

LAWS
OF THE
TERRITORY OF HAWAII
PASSED BY THE
FIFTEENTH LEGISLATURE

REGULAR SESSION
1929

COMMENCED ON WEDNESDAY, THE TWENTIETH
DAY OF FEBRUARY, AND ENDED ON WEDNES-
DAY, THE FIRST DAY OF MAY.

PUBLISHED BY AUTHORITY

HONOLULU, HAWAII
HONOLULU STAR-BULLETIN, LTD.
1929

LIST OF OFFICERS AND MEMBERS OF THE LEGISLATURE OF THE TERRITORY OF HAWAII

REGULAR SESSION 1929

SENATE

President.....Robert W. Shingle, Honolulu, Oahu
 Vice-President.....Ernest A. K. Akina, Kohala, Hawaii
 Clerk.....Ellen D. Smythe, Honolulu, Oahu

District	Name	Address
First.....	Akina, Ernest A. K. (R).....	Kohala, Hawaii
	*Desha, Sr., Stephen L. (R)....	Hilo, Hawaii
	*Hind, Robert (R).....	Kailua, Hawaii
	Kamau, William K. (R).....	Hilo, Hawaii
Second.....	Cooke, George P. (R).....	Kaunakakai, Molokai
	Low, A. Paul (R).....	Wailuku, Maui
	*Rice, H. W. (R).....	Paia, Maui
Third.....	*Brown, Francis H. II (R)....	Honolulu, Oahu
	Cooke, Clarence H. (R).....	Honolulu, Oahu
	*Heen, William H. (D).....	Honolulu, Oahu
	Jarrett, James K. (R).....	Honolulu, Oahu
	*McInerny, William H. (R)....	Honolulu, Oahu
	Shingle, Robert W. (R).....	Honolulu, Oahu
Fourth.....	Aki, Henry K. (R).....	Kapaa, Kauai
	*Rice, Charles A. (R).....	Lihue, Kauai

D.....Democrat 1
 R.....Republican 14

*Holdover Senators from 1927 session.

HOUSE OF REPRESENTATIVES

Speaker.....Frederick D. Lowrey, Honolulu, Oahu

Vice-Speaker.....John H. Coney, Lihue, Kauai

Clerk.....Joseph Ordenstein, Honolulu, Oahu

District	Name	Address
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	Hill, William H. (R).....	Hilo, Hawaii
	Kimi, William J. (R).....	Hilo, Hawaii
	Silva, Evan Da (R).....	Hilo, Hawaii
Second.....	Aona, Francis K. (R).....	Kealakekua, Hawaii
	Kawaha, George K. (R).....	Waiohinu, Hawaii
	Smith, John R. (R).....	Hookena, Hawaii
	Stillman, Charles K. (R).....	Kohala, Hawaii
Third.....	Archer, Frank (R).....	Hoolehua, Molokai
	Engle, William H. (R).....	Kahului, Maui
	Goodness, P. J. (R).....	Waiakoa, Maui
	Holstein, Henry L. (R).....	Wailuku, Maui
Fourth.....	Paschoal, Manuel G. (R).....	Puunene, Maui
	Robinson, Jr., Henry P. (R)....	Lahaina, Maui
	Lowrey, Frederick D. (R).....	Honolulu, Oahu
	Mills, Harry T. (R).....	Honolulu, Oahu
Fifth.....	O'Brien, Ray J. (R).....	Honolulu, Oahu
	Petrie, T. H. (R).....	Honolulu, Oahu
	Soares, O. P. (R).....	Honolulu, Oahu
	Vitousek, Roy A. (R).....	Honolulu, Oahu
Sixth.....	Akana, Albert K. (R).....	Honolulu, Oahu
	Anderson, John C. (R).....	Honolulu, Oahu
	Char, Yew (D).....	Honolulu, Oahu
	Holt, Charles H. K. (D).....	Honolulu, Oahu
	Holt, Jr., George H. (D).....	Waianae, Oahu
	Smith, Nolle R. (R).....	Honolulu, Oahu
	Alohikea, Alfred U. (R).....	Hanalei, Kauai
	Coney, John H. (R).....	Lihue, Kauai
	Gomes, Clement (R).....	Lihue, Kauai
	Marcallino, A. Q. (R).....	Waimea, Kauai

D.....Democrat 3

R.....Republican 27

TABLE OF CONTENTS

ACTS

SESSION LAWS OF 1929

Act	Title	Page
1	(H. B. No. 1)—An Act to appropriate money for the purpose of defraying the expenses of the Regular Session of the House of Representatives of the Legislature of the Territory of Hawaii of the year 1929.....	1
2	(S. B. No. 1)—An Act to appropriate money for the purpose of defraying the expenses of the Regular Session of the Senate of the Legislature of the Territory of Hawaii of the year 1929	2
3	(S. B. No. 6)—An Act to amend Section 3174 of the Revised Laws of Hawaii 1925, relating to appointment, tenure and removal of notaries public.....	2
4	(H. B. No. 61)—An Act to amend Section 4351 of the Revised Laws of Hawaii 1925, relating to punishment for the crime of riots and unlawful assemblies.....	3
5	(H. B. No. 65)—An Act to repeal Section 2051 of the Revised Laws of Hawaii 1925, relating to livery stables.....	3
6	(H. B. No. 91)—An Act to amend Section 4392 of Chapter 273 of the Revised Laws of Hawaii 1925, relating to the law of road	4
7	(H. B. No. 82)—An Act providing a pension for Mrs. Frank C. Jardine and M. C. Jardine and Raymond Jardine, her minor children, and making appropriation therefor.....	4
8	(H. B. No. 145)—An Act to amend Act 114 of the Session Laws of 1925, as amended by Act 99 of the Session Laws of 1927, relating to mental diseases.....	5
9	(S. B. No. 19)—An Act to amend the third and fourth subdivisions of Section 2163 of the Revised Laws of Hawaii 1925, relating to pensions for policemen, firemen and bandsmen	6
10	(H. B. No. 146)—An Act to amend Chapter 93 of the Revised Laws of Hawaii 1925, by adding thereto a new section to be known as Section 1182A, relating to the Waimano Home...	7
11	(H. B. No. 99)—An Act to amend Section 2133 of the Revised Laws of Hawaii 1925, as amended, relating to salaries, district magistrates, etc.....	8
12	(H. B. No. 157)—An Act to amend Section 4112 of the Revised Laws of Hawaii 1925, relating to the accounting for fines and costs.....	8

Act	Title	Page
13	(H. B. No. 159)—An Act to amend Section 2341 of the Revised Laws of Hawaii 1925, relative to service of summons.	9
14	(H. B. No. 170)—An Act to amend Section 2292 of the Revised Laws of Hawaii 1925, relating to clerks.....	10
15	(S. B. No. 70)—An Act to transfer unexpended moneys hitherto appropriated and made available for Items 43 and 47 of Act 182 and Items 43, 44 and 45 of Act 266 of the Session Laws of Hawaii 1925, relating to public improvements, to that certain public project in the County of Kauai entitled "Lihue-Nawiliwili Water Works", provided for pursuant to Act 271 of the Session Laws of Hawaii 1927; and to amend said Acts accordingly.....	10
16	(H. B. No. 133)—An Act to amend Section 3195 of the Revised Laws of Hawaii 1925, relating to the disqualification, disability or absence of the judge of the land court.....	12
17	(H. B. No. 154)—An Act to amend Paragraph 3 of Section 3941 of the Revised Laws of Hawaii 1925, relating to coroner's inquest	13
18	(H. B. No. 160)—An Act to amend subdivision fourth of Section 2248 of the Revised Laws of Hawaii 1925, relating to the jurisdiction of circuit judges at chambers.....	14
19	(H. B. No. 161)—An Act to provide a standard for determination of the value of estates in dower and curtesy and other life estates.....	15
20	(H. B. No. 183)—An Act to amend Section 2966 of the Revised Laws of Hawaii 1925, as amended by Act 126 of the Session Laws of 1927, relating to jurisdiction in divorce cases	16
21	(H. B. No. 201)—An Act to amend Chapter 151 of the Revised Laws of Hawaii 1925, by amending Section 2665 thereof, relating to the statute of frauds and perjuries.....	17
22	(S. B. No. 50)—An Act expressing the assent of the Legislature of the Territory of Hawaii to the Acts of Congress of May 8, 1914, and May 22, 1928, relative to agricultural extension work	18
23	(H. B. No. 130)—An Act to amend Section 2366 of the Revised Laws of Hawaii 1925, relative to the joinder of causes of action	19
24	(H. B. No. 197)—An Act to amend Section 3463 of the Revised Laws of Hawaii 1925, relating to insurance.....	20
25	(H. B. No. 200)—An Act to amend Section 4374 of the Revised Laws of Hawaii 1925, relating to affray.....	21
26	(H. B. No. 36)—An Act relating to appropriation for the reclaiming of Alamiki Pond in the District of Lahaina, Island of Maui, and repealing Act 171 of the Session Laws of 1927	21

Act	Title	Page
27	(H. B. No. 127)—An Act to amend Sections 2434 and 2435 of the Revised Laws of Hawaii 1925, relating to lien of district and circuit court judgments.....	22
28	(H. B. No. 138)—An Act to amend Section 2489 of the Revised Laws of Hawaii 1925, relating to notice to creditors of deceased persons and filing claims with executors and administrators	24
29	(H. B. No. 142)—An Act to authorize and provide for the manufacture, maintenance, distribution and supply of electric current for light and power within Hanalei, in the District of Hanalei, Island and County of Kauai.....	25
30	(H. B. No. 83)—An Act for the relief of Sergeant John H. McIntosh, Company "H", 298th Infantry, Hawaii National Guard	32
31	(S. B. No. 35)—An Act directing the Surveyor of the Territory of Hawaii to check and establish permanent monuments and standard signals at all primary and secondary triangulation stations in the County of Maui, County of Hawaii, County of Kauai and the City and County of Honolulu, and making an appropriation therefor.....	33
32	(S. B. No. 106)—An Act defining the crime of train wrecking and attempted train wrecking and providing penalties for violation of the provisions of this Act.....	34
33	(S. B. No. 128)—An Act empowering the counties and city and county to provide for the care of indigents.....	35
34	(S. B. No. 129)—An Act appropriating \$441.95 to reimburse Mrs. Julia Silva for automobile damage caused by the negligent operation of a territorially owned and operated automobile	35
35	(S. B. No. 142)—An Act making an appropriation for the benefit of Samuel W. Kepano.....	36
36	(S. B. No. 149)—An Act to repeal Act 179 of the Session Laws of 1917, relating to the construction of roads through the Kawaihoa Beach Lots, District of Koolaupoko, Oahu....	36
37	(H. B. No. 6)—An Act authorizing and directing the Board of Supervisors of the City and County of Honolulu to reimburse Joseph A. Lucas, Associated Investment Company, Mystic Lodge No. 2, Knights of Pythias, Antone Botelho and Caesar J. Gomes.....	37
38	(H. B. No. 58)—An Act to amend Section 1324 of the Revised Laws of Hawaii 1925, relating to tax exemptions of lepers..	37
39	(H. B. No. 44)—An Act to amend Chapter 116 of the Revised Laws of Hawaii 1925, by adding a new section thereto to be known as Section 1689A, relating to qualifications of deputies, clerks, assistants and other employees of the various counties of the Territory of Hawaii.....	38

Act	Title	Page
40	(H. B. No. 166)—An Act to amend Chapter 145 of the Revised Laws of Hawaii 1925, relating to probate jurisdiction and procedure, by adding a new section thereto to be known as Section 2496A, relating to notice of hearing on petitions for approval of final accounts, distribution of estates and discharge of executors and administrators.....	39
41	(H. B. No. 167)—An Act to amend Chapter 145 of the Revised Laws of Hawaii 1925, relating to probate jurisdiction and procedure by adding a new section to be known as Section 2482A, relating to notice of hearing on petitions for probate of wills and for letters of administration.....	40
42	(H. B. No. 175)—An Act amending Section 3073 of the Revised Laws of Hawaii 1925, so as to permit the guardian of an insane person to expend accumulated income of the ward's property for improvements.....	41
43	(H. B. No. 218)—An Act to amend Sections 2343, 2344, 2345 and 2347 of the Revised Laws of Hawaii 1925, relating to the service of process.....	42
44	(H. B. No. 219)—An Act to amend Section 2472 of the Revised Laws of Hawaii 1925, relating to service of process in proceedings in equity.....	44
45	(H. B. No. 221)—An Act to amend Section 2493 of the Revised Laws of Hawaii 1925, relating to the sale of real estate by executors and administrators.....	45
46	(H. B. No. 229)—An Act to amend Section 3340 of the Revised Laws of Hawaii 1925, as amended, relating to renewal of corporation charters.....	46
47	(H. B. No. 252)—An Act authorizing and empowering the Board of Supervisors of the City and County of Honolulu to appropriate and expend out of the Permanent Improvement Fund the sum of fifty thousand dollars (\$50,000.00) during the year 1929 and the sum of fifty thousand dollars (\$50,000.00) during the year 1930 for the purchase of equipment for the Honolulu Fire Department.....	47
48	(H. B. No. 258)—An Act to amend Section 3559 of the Revised Laws of Hawaii 1925, relating to the penalty for non-compliance by copartnerships with the laws of Hawaii, by changing the nature and amount of such penalty.....	47
49	(H. B. No. 260)—An Act to amend Section 3497 of the Revised Laws of Hawaii 1925, relating to the penalty for non-compliance by foreign corporations with the laws of Hawaii, by changing the nature and amount of such penalty..	48
50	(H. B. No. 324)—An Act to amend Section 1322 of the Revised Laws of Hawaii 1925, relating to personal tax exemptions	49

Act	Title	Page
51	(H. B. No. 333)—An Act to amend Section 2506 of the Revised Laws of Hawaii 1925, relating to undistributed proceeds or balances.....	49
52	(H. B. No. 103)—An Act appropriating from the special fund known as "Special Land Sales, Kauai", the sum of ten thousand dollars (\$10,000.00) for the improvement of the Wai-lua Golf Course, Kauai.....	50
53	(S. B. No. 105)—An Act to amend Act 78 of the Session Laws of Hawaii 1925, creating the Territorial Highway Department, and making other provisions for the purpose of complying with the Federal Highway Act, and ratifying all contracts and acts previously executed or performed in connection with federal aid projects.....	51
54	(S. B. No. 79)—An Act to amend Act 263 of the Session Laws of 1927, making general appropriations for the biennium ending June 30, 1929.....	57
55	(H. B. No. 2)—An Act to authorize and provide for the manufacture, maintenance, distribution and supply of electric current for light and power within the District of Hamakua, Island and County of Hawaii.....	57
56	(S. B. No. 36)—An Act to amend Sections 1608 and 1609 of the Revised Laws of Hawaii 1925, relating to election and term of office of county officers.....	64
57	(S. B. No. 44)—An Act providing for an appraisal of all the taxable property in the Territory of Hawaii and an economic study of the tax laws, creating a tax board, providing for experts, assistants and clerks for such board, and making an appropriation therefor, and creating advisory tax appraisal boards.....	65
58	(H. B. No. 230)—An Act to amend Section 2542 of the Revised Laws of Hawaii 1925, relating to costs.....	68
59	(H. B. No. 274)—An Act making an appropriation for the construction and maintenance of a County Fair Building at Hoolulu Park, Waiakea-kai, County of Hawaii, and for filling and levelling said park, and repealing Act 242 of the Session Laws of Hawaii, 1921.....	68
60	(S. B. No. 23)—An Act amending Section 766, Revised Laws of Hawaii 1925, relating to the use of nets and other contrivances in the catching of fish.....	69
61	(S. B. No. 42)—An Act to amend Chapter 191 of the Revised Laws of Hawaii 1925, relating to banking corporations by amending Section 3398 thereof.....	70
62	(S. B. No. 22)—An Act to amend Section 2630 of the Revised Laws of Hawaii 1925, as amended by Act 204 of the Session Laws of Hawaii 1927, relating to confessions and their admissibility as evidence.....	70

Act	Title	Page
63	(S. B. No. 28)—An Act making an appropriation for the grading and improvement of the grounds, installation of electric light fixtures, including pole line, and necessary equipment, for the Public Library at Kapaau, North Kohala, Hawaii	71
64	(S. B. No. 78)—An Act making an appropriation for the construction of roads, walks, grading and fences at the new Territorial Hospital for the Insane, at Kaneohe, City and County of Honolulu.....	71
65	(S. B. No. 137)—An Act to amend Section 1325 of the Revised Laws of Hawaii 1925, as amended, relating to property exempt from taxation, by adding a new paragraph thereto	72
66	(S. B. No. 107)—An Act to amend Section 199 of the Revised Laws of Hawaii 1925, relating to certificates of Hawaiian birth	73
67	(H. B. No. 234)—An Act to amend Section 3390 of the Revised Laws of Hawaii 1925, regarding publication of certificate for business of banking.....	73
68	(H. B. No. 240)—An Act to amend Subsection 10 of Section 6 of Act 55 of the Session Laws of 1925, relating to the Territorial Retirement System, by extending certain benefits thereof	74
69	(H. B. No. 241)—An Act to amend Section 414 of the Revised Laws of Hawaii 1925, relating to the aquarium and marine laboratory	75
70	(H. B. No. 257)—An Act to amend Section 3366 of the Revised Laws of Hawaii 1925, relating to corporation annual exhibits, by changing the nature and amount of penalty in respect thereto.....	75
71	(S. B. No. 81)—An Act to provide for the rehabilitation of the Capitol Building, and providing available funds therefor by transferring one hundred fifty thousand dollars (\$150,000.00) from the Farm Loan Reserve Fund and the Farm Loan Revolving Fund.....	76
72	(S. B. No. 30)—An Act authorizing and directing the board of supervisors of the County of Hawaii to make an appropriation to reimburse Union Mill Company, Antone Pavao, Dr. L. L. Sexton, Joseph Ornellas, John Gabeler, Peter A. Lee and Volcano Stables & Transportation Company, Ltd., for taxes illegally collected.....	78
73	(S. B. No. 37)—An Act to amend Chapter 129 of the Revised Laws of Hawaii 1925, by amending Sections 2150, 2152, 2154, 2159 and 2160 thereof and by adding a new section thereto, to be known as Section 2154-A, relating to weights and measures.....	79

Act	Title	Page
74	(S. B. No. 123)—An Act providing pensions for the beneficiaries named in Act 267, Session Laws of 1927, and making appropriations therefor.....	84
75	(S. B. No. 134)—An Act to amend Section 3300 of the Revised Laws of Hawaii 1925, as amended, relating to land registration	81
76	(S. B. No. 157)—An Act to amend Section 1626 of the Revised Laws of Hawaii 1925, relating to ballots for the election of county officers.....	85
77	(S. B. No. 158)—An Act to amend Section 1769 of the Revised Laws of Hawaii 1925, relating to ballots for the election of city and county officers.....	86
78	(H. B. No. 116)—An Act exempting from taxation all property actually and solely used in the manufacture of bagasse products	86
79	(H. B. No. 164)—An Act to appropriate money for the purpose of constructing and completing a suitable drainage system and/or embankment of the Waimea River, at Waimea, Kauai	87
80	(H. B. No. 271)—An Act authorizing and directing the board of supervisors of the County of Maui to appropriate the sum of five hundred eighteen and 90/100 dollars (\$518.90) for the payment of the claim of the Haiku Fruit & Packing Co., Limited.....	87
81	(H. B. No. 272)—An Act to amend Section 2436 of the Revised Laws of Hawaii 1925, relating to executions.....	88
82	(H. B. No. 289)—An Act making an appropriation for the upkeep, maintenance and repairs of the Kailua Palace, Kona, Hawaii	89
83	(H. B. No. 304)—An Act to amend Sections 2762 and 2772 of the Revised Laws of Hawaii 1925, relating to partition of real estate	89
84	(H. B. No. 321)—An Act to amend Act 34 of the Session Laws of 1927, relating to a commission to make recommendations as to the celebration of the two hundredth anniversary of the birth of George Washington.....	90
85	(S. B. No. 145)—An Act to amend Section 1232 of the Revised Laws of Hawaii 1925, relating to child welfare.....	90
86	(H. B. No. 29)—An Act amending Section 178 of the Revised Laws of Hawaii 1925, as amended by Act 165 of the Session Laws of 1925, relating to the pay of laborers on public works	91
87	(H. B. No. 179)—An Act providing pensions for certain persons herein named, and authorizing and directing the County of Kauai to pay the same.....	91

Act	Title	Page
88	(H. B. No. 224)—An Act to amend Act 105 of the Session Laws of 1921, granting a franchise for the manufacture, maintenance, distribution and supply of electric current in the District of Kawaihau, County of Kauai, so as to grant further exemption from taxation.....	92
89	(H. B. No. 331)—An Act making an appropriation for the payment of the claim of the Honolulu Star-Bulletin, Ltd., against the general school fund incurred prior to December 31, 1927	92
90	(S. B. No. 46)—An Act to provide for the permanent improvement, maintenance and equipment of the county hospitals of the County of Hawaii by creating a special fund and providing additional taxation therefor.....	93
91	(S. B. No. 146)—An Act to amend Chapter 119 of the Revised Laws of Hawaii 1925, by adding a new section thereto to be known as Section 1851B, relating to highways and other improvements in the City and County of Honolulu.....	93
92	(S. B. No. 156)—An Act to amend Section 2464 of the Revised Laws of Hawaii 1925, relating to trust estates.....	94
93	(S. B. No. 181)—An Act relating to leases and tenancies for various periods and providing for notices to vacate.....	95
94	(H. B. No. 254)—An Act to amend Section 4484 of the Revised Laws of Hawaii 1925, relating to labor on Sunday....	95
95	(H. B. No. 290)—An Act to amend Chapter 18 of the Revised Laws of Hawaii 1925, by amending Section 184 thereof, relating to vacations of public employees.....	96
96	(S. B. No. 31)—An Act creating and defining the powers and duties of a Board of Water Supply of the City and County of Honolulu	97
97	(S. B. No. 71)—An Act to amend Section 1752 of the Revised Laws of Hawaii 1925, relating to municipal government...	105
98	(S. B. No. 109)—An Act to amend Section 1587 of the Revised Laws of Hawaii 1925, relating to county government.	106
99	(S. B. No. 133)—An Act to amend Section 629 of the Revised Laws of Hawaii 1925, as amended by Act 215, Session Laws of 1927, relating to indemnification for tuberculous animals	107
100	(H. B. No. 259)—An Act to amend Section 1586 of the Revised Laws of Hawaii 1925, relating to the number and election of the members of the Board of Supervisors of the County of Kauai.....	108
101	(S. B. No. 80)—An Act amending Section 2133 of the Revised Laws of Hawaii 1925, as amended by Act 275 of the Session Laws of Hawaii 1925, and Acts 21 and 170 of the Session Laws of Hawaii 1927, relating to salaries of district magistrates, clerks, stenographers and interpreters of dis-	

Act	Title	Page
	strict courts, and amending Section 2298 of the Revised Laws of Hawaii 1925, relating to the appointment of clerks by district magistrates.....	109
102	(H. B. No. 43)—An Act to amend Section 1315 of the Revised Laws of Hawaii 1925, as amended, relating to general property taxes.....	111
103	(S. B. No. 59)—An Act to amend Section 171, as amended, and Section 173 of the Revised Laws of Hawaii 1925, relating to the qualifications of government officials and employees	112
104	(S. B. No. 82)—An Act to amend Chapter 173 of the Revised Laws of Hawaii 1925, relating to marriage, by amending Sections 2944, 2946, 2948, 2949, 2950 and 2953 thereof; by adding a new section thereto to be known as Section 2946A; and by repealing Section 2954 thereof.....	113
105	(H. B. No. 299)—An Act amending Act 248 of the Session Laws of 1927, relating to maintenance of public schools and salary schedules.....	116
106	(S. B. No. 77)—An Act appropriating \$131,500.00 from the general revenues for the purchase of land and the erection of new buildings, additions and improvements, relating to the schools of the City and County of Honolulu, for the period ending December 31, 1929, and providing additional taxes for raising and repaying said sum.....	118
107	(S. B. No. 86)—An Act to amend Sections 1222, 1225 and 1230 of the Revised Laws of Hawaii 1925, relating to registration of births, deaths and marriages.....	120
108	(S. B. No. 92)—An Act to amend Item 17 of Act 266 of the Session Laws of 1925, as amended by Act 146 of the Session Laws of 1927, relating to public improvements.....	121
109	(S. B. No. 121)—An Act to amend Section 1028 of the Revised Laws of Hawaii 1925, relating to the practice of medicine and penalties.....	121
110	(S. B. No. 125)—An Act amending Section 1852 of the Revised Laws of Hawaii 1925, as amended by Section 2 of Act 191 of the Session Laws of 1925, relating to highways and other improvements in the District of Honolulu, City and County of Honolulu.....	122
111	(H. B. No. 60)—An Act to amend Section 4141 of the Revised Laws of Hawaii 1925, relating to punishment for the crime of kidnapping.....	124
112	(H. B. No. 106)—An Act to amend Section 333 of the Revised Laws of Hawaii 1925, as amended by Act 94 of the Session Laws of 1925, relating to the use of school text books and their free distribution to needy pupils.....	124

Act	Title	Page
113	(H. B. No. 143)—An Act to provide for the establishment, management and control of a vocational school in East Maui, County of Maui.....	125
114	(H. B. No. 169)—An Act to amend Section 1 of Act 97 of the Session Laws of 1927, prohibiting the use of spears and arrow guns in fishing.....	126
115	(H. B. No. 242)—An Act to amend Act 202 of the Session Laws of 1925, relating to reports made by dealers in fish..	126
116	(H. B. No. 243)—An Act to amend Section 777 of the Revised Laws of Hawaii 1925, relating to the protection of certain crustaceans	127
117	(H. B. No. 278)—An Act to amend Section 3136 of the Revised Laws of Hawaii 1925, relating to registration of conveyances	128
118	(H. B. No. 279)—An Act to amend Section 772 of the Revised Laws of Hawaii 1925, relating to top minnows.....	128
110	(H. B. No. 320)—An Act to amend Section 2126 of the Revised Laws of Hawaii 1925, relating to intoxicating liquor.	129
120	(H. B. No. 323)—An Act to amend Section 3094 of the Revised Laws of Hawaii 1925, relating to the discharge of guardians	129
121	(H. B. No. 344)—An Act making an appropriation for the construction of an approach to the Waiakea Airport.....	130
122	(H. B. No. 364)—An Act to amend Section 3343 of the Revised Laws of Hawaii 1925, by adding a new paragraph thereto, relating to amendments of charters and articles of association of corporations.....	130
123	(H. B. No. 371)—An Act authorizing and empowering the board of supervisors of the County of Hawaii to pay out of the general revenues of the County of Hawaii obligations incurred prior to January 1, 1929.....	131
124	(H. B. No. 266)—An Act to amend Section 1865 of the Revised Laws of Hawaii 1925, relating to delinquent installments of payments for highway improvements.....	131
125	(H. B. No. 336)—An Act to amend Section 3890 of the Revised Laws of Hawaii 1925, relating to Hawaiian dictionary	132
126	(H. B. No. 356)—An Act to amend Act 167 of the Session Laws of 1925, relating to the punishment of persons responsible for or directly promoting or contributing to the conditions that render a child dependent or delinquent....	133
127	(H. B. No. 359)—An Act to regulate the sale of explosives..	133
128	(H. B. No. 21)—An Act providing pensions for certain persons herein named, and authorizing and directing the County of Maui to pay the same.....	135
129	(H. B. No. 93)—An Act making an additional appropriation	

Act	Title	Page
	for transportation and housing prisoners and the purchase of tools and equipment for labor and use on the Waiakea Airport, Hilo, Hawaii, or at any other place designated by the Attorney General.....	135
130	(H. B. No. 222)—An Act to exempt from taxation certain lands used in the planting of coffee.....	136
131	(H. B. No. 247)—An Act to provide for the refunding of tax moneys illegally collected in the County of Hawaii in and for the years 1927 and 1928, and the cancelling of unpaid amounts of taxes illegally claimed by the Territory in said county for said years, ratifying payments to said county on account of taxes illegally levied in said years, and providing for the readjustment of the 1929 tax rate for said county	137
132	(H. B. No. 295)—An Act providing for the reimbursement for losses sustained by certain inmates of McVeigh Home, Kalaupapa, Molokai, suffered in the total destruction of said home by fire, and appropriating money therefor.....	139
133	(H. B. No. 318)—An Act to amend Section 3349 of the Revised Laws of Hawaii 1925, relating to preferred stock of corporations	140
134	(H. B. No. 343)—An Act to provide for the release of pupils from the public schools of this territory to attend classes in religious education.....	140
135	(H. B. No. 372)—An Act to amend Chapter 189 of the Revised Laws of Hawaii 1925, by adding a new section thereto to be known as Section 3363A, relating to filing of certificates of change of par value of shares of capital stock....	141
136	(H. B. No. 377)—An Act authorizing the construction of a road from Kalaniana'ole Street to Pier Number 3, South Hilo, Hawaii	142
137	(H. B. No. 379)—An Act to amend Chapter 19 of the Revised Laws of Hawaii 1925, by adding thereto a new section to be known as Section 189A, concerning inventories of government assets	142
138	(H. B. No. 386)—An Act relating to unclaimed bail and bond moneys and their disposition.....	143
139	(H. B. No. 389)—An Act to regulate the size of mesh of throw nets in fishing in the Territory of Hawaii.....	144
140	(H. B. No. 392)—An Act to amend Section 1870 of the Revised Laws of Hawaii 1925, relating to the payment of district improvement bonds before maturity	144
141	(H. B. No. 396)—An Act to validate an agreement for refund and discharge of certain property taxes assessed to the Liliuokalani Trust in the year 1921	145

Act	Title	Page
142	(H. B. No. 210)—An Act to amend Section 2158 of the Revised Laws of Hawaii 1925, relating to weights and measures	146
143	(H. B. No. 316)—An Act to amend Sections 4399 and 4400 of Chapter 273 of the Revised Laws of Hawaii 1925, relating to vehicle lights, by enlarging the provisions regulating and requiring proper lights	147
144	(S. B. No. 72)—An Act to amend Section 1762 of the Revised Laws of Hawaii 1925, as amended by Act 198 of the Session Laws of 1927, relating to salaries of elective officials.....	150
145	(S. B. No. 48)—An Act to regulate the occupation of beauty culture and hairdressers, to create a territorial board of examiners for the licensing of persons to carry on and to teach such practices, to insure the better education of such practitioners, to provide rules regulating the proper conduct and sanitation of beauty culture and hairdressing establishments and schools for the protection of the public health, and to provide penalties for violations thereof.....	151
146	(H. B. No. 332)—An Act to regulate the business of making abstracts and certificates of title, and to provide for the licensing of said business.....	159
147	(S. B. No. 58)—An Act to amend Chapter 94 of the Revised Laws of Hawaii 1925, relating to the establishment and maintenance of hospitals, settlements and stations for the care and treatment of lepers, by amending Section 1184 thereof, and adding thereto a new section entitled "Section 1184-A", providing for the treatment and care of pregnant mothers afflicted with leprosy, and the disposition of their children	161
148	(S. B. No. 61)—An Act to amend Sections 1 and 2 of Act 230, Session Laws of 1927, for the purpose of assisting crippled school children and requiring the treasurer to add to the tax rate to produce the amount herein appropriated.....	162
149	(S. B. No. 62)—An Act to amend Sections 1186, 1192, 1198, 1204, 1207 and 1208 of the Revised Laws of Hawaii 1925, relating to leper hospitals and settlement.....	163
150	(S. B. No. 85)—An Act to amend Section 325 of the Revised Laws of Hawaii 1925, relating to public instruction.....	166
151	(S. B. No. 114)—An Act appropriating the sum of one hundred seventeen thousand eight hundred fifty-six and 00/100 dollars (\$117,856.00) for reimbursing the City and County of Honolulu for the cost of paving certain portions of streets in Frontage Improvement Nos. 32 to 53, inclusive, excepting Nos. 45 and 49, and Improvement Districts Nos. 22 to 29, inclusive	166

Act	Title	Page
152	(S. B. No. 178)—An Act for the relief of the Federal Insurance Company	167
153	(S. B. No. 191)—An Act to reimburse the estate of Emanuel S. Cunha, deceased, for losses sustained by it through deprivation and limitation of the use of its property at Waikiki, City and County of Honolulu, during the period from May 8, 1928, to April 6, 1929	168
154	(S. B. No. 192)—An Act to reimburse Mellie E. Hustace for losses sustained by her through deprivation and limitation of the use of her property at Waikiki, City and County of Honolulu, during the period from May 9, 1928, to April 6, 1929	169
155	(S. B. No. 75)—An Act appropriating five thousand dollars (\$5,000.00) for the establishment of an agricultural experiment station in the Kona District, County of Hawaii.....	170
156	(S. B. No. 96)—An Act authorizing and directing the board of supervisors of the various counties and of the city and county to appropriate the moneys to reimburse certain persons for taxes illegally collected	170
157	(S. B. No. 115)—An Act to amend Section 338 of Chapter 28 of the Revised Laws of Hawaii 1925, as amended by Act 232 of the Session Laws of Hawaii 1925, relating to maintenance of schools and revision of the budget therefor.....	172
158	(S. B. No. 140)—An Act amending Section 3677 of the Revised Laws of Hawaii 1925, relating to authorizing the Board of Accountancy to waive examinations in certain cases	173
159	(S. B. No. 143)—An Act to amend Section 1081 of the Revised Laws of Hawaii 1925, relating to the practice of dentistry and penalties	174
160	(S. B. No. 144)—An Act to amend Chapter 40 of the Revised Laws of Hawaii 1925, relating to public lands, by adding thereto a new section to be known as Section 529-A.....	174
161	(S. B. No. 151)—An Act to create a commission to investigate and report upon the necessity and feasibility of providing more comprehensive and modern banking laws for the Territory of Hawaii	175
162	(S. B. No. 152)—An Act to amend Section 841 of the Revised Laws of Hawaii 1925, relating to wharfage in territorial harbors and the assessments of fees therefor by deleting therefrom restrictions in respect to such fees	176
163	(S. B. No. 163)—An Act to appropriate one thousand six hundred dollars (\$1,600.00) to augment available appropriations for carrying out the provisions of Chapter 115 of the Revised Laws of Hawaii 1925, relating to compensation of prisoners	177

Act	Title	Page
164	(S. B. No. 201)—An Act declaratory of the power and liability of the Honolulu Sewer and Water Commission to sue and be sued	177
165	(H. B. No. 131)—An Act to provide for foreign executed wills and to make uniform the law relating thereto.....	178
166	(H. B. No. 132)—An Act to amend Section 166 of the Revised Laws of Hawaii 1925, relating to fees for certifying copies of public documents	179
167	(H. B. No. 150)—An Act for the relief of A. E. Minvielle, Jr.	180
168	(H. B. No. 214)—An Act authorizing the board of supervisors of the County of Hawaii to create a city planning commission for the County of Hawaii	180
169	(H. B. No. 220)—An Act to amend Sections 2475 and 3067 (as amended), of the Revised Laws of Hawaii 1925, relating to accounts of guardians and trustees	181
170	(H. B. No. 273)—An Act to amend Section 2761 of the Revised Laws of Hawaii 1925, relating to suits for partition.....	182
171	(H. B. No. 305)—An Act to amend Section 2294 of the Revised Laws of Hawaii 1925, relating to the custody and disposition of records, exhibits and other things by clerks of courts of record.....	183
172	(H. B. No. 328)—An Act making additional appropriation out of the general revenues for the period ending June 30, 1929	184
173	(H. B. No. 369)—An Act to amend Chapter 104 of the Revised Laws of Hawaii 1925, by adding a new section thereto to be known as Section 1400A, relating to reciprocity in inheritance tax matters.....	184
174	(H. B. No. 370)—An Act to amend Section 3183 of the Revised Laws of Hawaii 1925, relating to fees, notaries public.	185
175	(H. B. No. 387)—An Act authorizing the board of supervisors of the County of Kauai to acquire land at Koloa for public park and playground purposes.....	186
176	(H. B. No. 408)—An Act providing a pension for Sergeant John H. McIntosh, Company "H", 298th Infantry, Hawaii National Guard, and making appropriation therefor.....	186
177	(S. B. No. 3)—An Act to amend Sections 35, 43, 44, 76 as amended, 77, 80, 86 as amended, 88 as amended, 95, 98, 99, 102, 106, 117, 119 as amended, and 122, and to repeal Sections 100 and 105 of the Revised Laws of Hawaii 1925, relating to elections.....	187
178	(S. B. No. 18)—An Act to amend Section 2 of Act 150 of the Session Laws of 1925, as amended by Act 40, Session Laws of 1927, relating to the construction of needed sewer and water improvements in the City and County of Honolulu, by special commission, with funds by a bond issue and	

Act	Title	Page
	authorizing an increase in the amount of bonds to be issued	192
179	(S. B. No. 24)—An Act to amend Section 2777 of the Revised Laws of Hawaii 1925, relating to costs in suits for partition	193
180	(S. B. No. 154)—An Act authorizing and directing the Commissioner of Public Lands and the Attorney General to quiet the title of the Territory of Hawaii in and to the Makapala School Lot in Kohala, Hawaii, and making an appropriation for outstanding interests therein.....	194
181	(S. B. No. 182)—An Act authorizing the City and County of Honolulu to pay claims incurred prior to December 31, 1925, out of the general fund.....	194
182	(S. B. No. 183)—An Act to amend Section 4 of Act 251 of the Session Laws of Hawaii 1927, relating to the Employees' Retirement System of the Territory of Hawaii.....	195
183	(S. B. No. 187)—An Act appropriating two thousand dollars (\$2,000.00) to augment the available appropriation designated as Item "A. Personal Services," under "Land Court" of the "Judiciary" subdivision of Act 263, Session Laws of 1927	196
184	(H. B. No. 32)—An Act to amend Section 3213 of the Revised Laws of Hawaii 1925, as amended by Act 258, Session Laws of 1927, relating to land court applications.....	197
185	(H. B. No. 97)—An Act to amend Chapter 144 of the Revised Laws of Hawaii 1925, by adding a new section thereto to be known as Section 2469A and providing for the dismissal of bills in equity.....	197
186	(H. B. No. 119)—An Act to amend Chapter 30 of the Revised Laws of Hawaii 1925, by adding a new section thereto to be known as Section 356A, relating to industrial schools	198
187	(H. B. No. 245)—An Act to regulate fishing within the jurisdiction of the Territory of Hawaii, and to repeal Act 201 of the Session Laws of 1925, as amended by Act 196 of the Session Laws of 1927.....	199
188	(H. B. No. 361)—An Act to regulate trout fishing within the jurisdiction of the Territory of Hawaii.....	203
189	(H. B. No. 288)—An Act to make uniform the law of sales..	204
190	(H. B. No. 53)—An Act amending Section 2 of Act 251 of the Session Laws of 1927, providing for retirement of certain county or city and county employees of the Employees' Retirement System of the Territory of Hawaii.....	229
191	(H. B. No. 292)—An Act to amend Section 433 of the Revised Laws of Hawaii 1925, as amended by Act 233 of the Session Laws of Hawaii 1925, and to amend Sections 434 and 435 of the Revised Laws of Hawaii 1925, relating to the Fair Commission of Hawaii, by enlarging the membership and	

Act	Title	Page
	changing certain powers and duties thereof.....	230
192	(H. B. No. 375)—An Act to amend Section 1373 of the Revised Laws of Hawaii 1925, as amended by Act 192 of the Session Laws of 1925, and by Act 203 of the Session Laws of 1927, relating to the sale of real property to enforce liens for taxes	232
193	(H. B. No. 388)—An Act to amend Section 324 of the Revised Laws of Hawaii 1925, as amended by Act 139 of the Session Laws of 1927, relating to public instruction.....	233
194	(H. B. 393)—An Act to amend Chapter 118 of the Revised Laws of Hawaii 1925, relating to municipal government....	235
195	(H. B. No. 395)—An Act to amend Section 1309 of the Revised Laws of Hawaii 1925, as amended by Act 180 of the Session Laws of Hawaii 1925, and Act 33 of the Session Laws of Hawaii 1927, relating to taxation.....	235
196	(S. B. No. 98)—An Act making an appropriation to reimburse certain persons for moneys improperly collected in connection with the Waiolama Land Sanitation Projects.....	236
197	(S. B. No. 110)—An Act relating to motor vehicles and the registration thereof	237
198	(S. B. No. 112)—An Act appropriating the sum of five hundred dollars (\$500.00) to reimburse Charles Lai Young for the use and occupancy by the Department of Public Instruction of certain lands owned by him.....	244
199	(S. B. No. 118)—An Act to amend Section 342 of the Revised Laws of Hawaii 1925, relating to the use of moneys collected for the General and Special School Funds.....	245
200	(S. B. No. 130)—An Act to provide for the acquisition of land adjoining the government school lot in Waipio Valley, District of Hamakua, County of Hawaii, for school purposes	246
201	(S. B. No. 172)—An Act to amend Act 222 of the Session Laws of Hawaii 1927, relating to the Honolulu Sewer and Water Commission	246
202	(S. B. No. 194)—An Act to amend Section 946 of the Revised Laws of Hawaii 1925, relating to tuberculosis.....	248
203	(H. B. No. 367)—An Act to amend Section 402 of the Revised Laws of Hawaii 1925, relating to powers of the Board of Regents of the University of Hawaii	249
204	(H. B. No. 296)—An Act amending Section 3406 of the Revised Laws of Hawaii 1925, relating to the amount of liabilities banking corporations may assume in accepting drafts or bills of exchange	250
205	(H. B. No. 347)—An Act amending Chapter 119 of the Revised Laws of Hawaii 1925, relating to municipal govern-	

Act	Title	Page
	ment, highways, Honolulu—Improvements, by amending Section 1856-A of said Revised Laws, as enacted by Act 98 of the Session Laws of Hawaii 1927, Section 1861 of said Revised Laws and Section 1864 of said Revised Laws.....	251
206	(H. B. No. 349)—An Act to regulate the catching and use of the fish known as nehu	252
207	(H. B. No. 354)—An Act amending Sections 2891 and 2892 of the Revised Laws of Hawaii 1925, relating to liens of mechanics and materialmen	253
208	(H. B. No. 363)—An Act to amend Chapter 193 of the Revised Laws of Hawaii 1925, by adding thereto a new section to be known as Section 3484A, relating to trust companies	254
209	(H. B. No. 376)—An Act relating to pearl oyster fisheries and the conservation and utilization of the same	255
210	(S. B. No. 200)—An Act appropriating the sum of one hundred sixty-three and 40/100 dollars (\$163.40) for the relief of the Home Insurance Company of Hawaii, Limited	256
211	(H. B. No. 263)—An Act to amend Chapter 93 of the Revised Laws of Hawaii 1925, relating to release from Waimano Home	257
212	(H. B. No. 340)—An Act to amend Section 2106 of the Revised Laws of Hawaii 1925, relating to licenses	257
213	(H. B. No. 374)—An Act to amend Sections 2669, 2670 and 2677 of the Revised Laws of Hawaii 1925, relating to special proceedings	258
214	(S. B. No. 21)—An Act to fix the Special School Fund Budget for the biennial period beginning January 1, 1930, and ending December 31, 1931	259
215	(S. B. No. 20)—An Act to fix the General School Fund Budget for the biennial period beginning January 1, 1930, and ending December 31, 1931	261
216	(H. B. No. 87)—An Act to authorize and regulate boxing contests	264
217	(H. B. No. 253)—An Act providing pensions, naming beneficiaries and making appropriation therefor	272
218	(S. B. No. 14)—An Act to reimburse Dr. A. K. Hanchett, Hawaiian Trust Company, Ltd., executors of the will of A. R. Rowat, deceased, Mrs. Emma U. Kauhane, Union Trust Company, Ltd., Honolulu Finance & Thrift Company, Ltd., Auto Rental Company, Ltd., Pioneer Building and Loan Association of Hawaii, Arthur Benaglia, V. J. Burgess and Kailua Land Company, Ltd., for taxes illegally collected	273
219	(S. B. No. 43)—An Act to amend Section 1 of Act 42 of the	

Act	Title	Page
	Session Laws of 1903 as that section was amended by Act 89 of the Session Laws of 1911, by Act 134 of the Session Laws of 1913 by Act 228 of the Session Laws of 1917, by Act 207 of the Session Laws of 1919, by Act 12 of the Session Laws of 1921, by Act 80 of the Session Laws of 1923, and by Act 151 of the Session Laws of 1925, providing for public loans	274
220	(S. B. No. 159)—An Act repealing Act 20 of the Session Laws of 1921, relating to preference rights to purchase government land	275
221	(S. B. No. 164)—An Act to amend Sections 4420 and 4421 of the Revised Laws of Hawaii 1925, relating to common nuisance	275
222	(S. B. No. 166)—An Act exempting from taxation all real and personal property of Hawaiian Packing Company, Limited, actually and solely used in the production of Hawaiian food products	276
223	(S. B. No. 174)—An Act to amend Section 1380 of the Revised Laws of Hawaii 1925, as amended by Act 192 of the Session Laws of 1925, relating to the disposition of personal and property taxes	277
224	(S. B. No. 175)—An Act to amend Section 5 of Act 138 of the Session Laws of 1913, relating to the Honolulu Water and Sewer Works	277
225	(S. B. No. 195)—An Act authorizing and directing the City and County of Honolulu to refund to the Hawaiian Trust Company, Limited, receiver for Robert F. Clarke, Trustee, et al., the portion of the taxes paid on certain lands for the period said lands were owned by the City and County of Honolulu	278
226	(S. B. No. 203)—An Act for the relief of Albert Shim.....	280
227	(S. B. No. 205)—An Act to amend Section 1958 of the Revised Laws of Hawaii 1925, relating to licenses, as amended by Act 16 of the Session Laws of 1925.....	281
228	(S. B. No. 209)—An Act to provide for the payment of lost or stolen interest coupons on territorial bonds	282
229	(S. B. No. 212)—An Act to amend Chapter 125 of the Revised Laws of Hawaii 1925, relating to licenses, by amending Section 2016 and by adding new sections to be numbered, respectively, Sections 2016-A, 2016-B, 2016-C and 2016-D	283
230	(S. B. No. 214)—An Act to amend Chapter 61 of the Revised Laws of Hawaii 1925, relating to eminent domain by adding a new section thereto to be numbered Section 824-A.....	285
231	(S. B. No. 215)—An Act appropriating the sum of ten thou-	

Act	Title	Page
	sand dollars (\$10,000.00) for an addition to the revolving fund for Kalaupapa Store as provided for in Section 1202 of the Revised Laws of Hawaii 1925.....	285
232	(S. B. No. 219)—An Act for the relief of Antone C. Nunes....	286
233	(S. B. No. 220)—An Act to amend Section 88 of the Revised Laws of Hawaii 1925, as amended, by amending the first paragraph thereof relating to clerks to certain boards of election inspectors	286
234	(H. B. No. 211)—An Act to amend Section 1618 of the Revised Laws of Hawaii 1925, relating to salaries of county officers	287
235	(H. B. No. 246)—An Act authorizing the fish and game division of the board of agriculture and forestry to make inspections of fishing boats and markets	287
236	(H. B. No. 353)—An Act to provide revenue for fire protection by means of fire boats for Honolulu Harbor in the City and County of Honolulu	288
237	(H. B. No. 4)—An Act to make more uniform taxes and to simplify tax procedure and appeals by amending Chapter 102 of the Revised Laws of Hawaii 1925, as amended, relating to personal and property taxes, by adding thereto new sections to be known as Sections 1350-A to 1350-P, inclusive, amending Sections 1285, 1334, 1340, 1349, 1350, 1351, 1360, 1361, 1362, and 1364, as amended, and by repealing Sections 1341, 1347, 1352, 1353, 1354, 1355, 1356, 1357 and 1363	289
238	(H. B. No. 172)—An Act making appropriations for the payment of certain claims against the Territory of Hawaii incurred prior to June 30, 1927.....	299
239	(H. B. No. 317)—An Act to amend Section 2132 of the Revised Laws of Hawaii 1925, as amended by Acts 137 and 272 of the Session Laws of 1925, and as further amended by Act 200 of the Session Laws of 1927, relating to salaries and expenses of the circuit courts.....	301
240	(H. B. No. 75)—An Act for the relief of Eugene K. Allen....	304
241	(H. B. No. 115)—An Act for the relief of Emily Harper.....	304
242	(S. B. No. 8)—An Act authorizing the County of Hawaii to issue bonds for certain permanent public improvements... ..	305
243	(S. B. No. 15)—An Act to provide for public improvements..	307
244	(S. B. No. 93)—An Act authorizing and directing the Commissioner of Public Lands to return to John S. Mackenzie certain moneys collected from him and now held on deposit with the Treasurer of the Territory of Hawaii in trust funds	308
245	(S. B. No. 148)—An Act appropriating four thousand five hun-	

Act	Title	Page
	dred eight and 19/100 dollars (\$4,508.19), to reimburse Hawi Mill and Plantation Company, Limited, for a cane crop planted on land leased by the Territory of Hawaii to C. K. Ai and illegally conveyed by said Territory to said company	309
246	(S. B. No. 47)—An Act providing pensions for certain persons herein named, and authorizing and directing the County of Hawaii to pay the same.....	310
247	(H. B. No. 151)—An Act to amend Section 2133 of the Revised Laws of Hawaii 1925, as amended, relating to salaries, district magistrates, etc.....	311
248	(H. B. No. 193)—An Act providing pensions for certain persons herein named, and authorizing and directing the City and County of Honolulu to pay the same.....	311
249	(H. B. No. 215)—An Act amending Section 2133 of the Revised Laws of Hawaii 1925, as amended, relating to salaries of district magistrates, clerks, stenographers and interpreters of district courts.....	315
250	(H. B. No. 355)—An Act amending Act 250 of the Session Laws of 1927, by adding two new sections thereto to be known as Section 2A and Section 2B, relating to making an appropriation for repairing and reconstructing the seawall in Kailua, North Kona, Hawaii.....	316
251	(H. B. No. 404)—An Act to amend Section 745 of the Revised Laws of Hawaii 1925, relating to hunting on private lands without permission of owner or his agent, or occupier or his agent, and providing punishment therefor.....	316
252	(S. B. No. 73)—An Act authorizing and directing the Auditor of the Territory of Hawaii to pay certain claims for services rendered in connection with the preparation of the 1925 budget, out of any unexpended and unencumbered balances of appropriations of the Commission of Public Accountancy	317
253	(S. B. No. 103)—An Act to amend Section 1320 of the Revised Laws of Hawaii 1925, and to repeal Section 12 of Act 186 of the Session Laws of 1921, relating to taxes.....	318
254	(S. B. No. 67)—An Act to amend Sections 1, 2, 3 and 4 of Act 271 of the Session Laws of 1927, providing for public improvements	319
255	(H. B. No. 72)—An Act making appropriations out of the general revenues for the biennial period ending June 30, 1931	324
256	(S. B. No. 216)—An Act relating to loitering in public places and providing a penalty therefor.....	351
257	(S. B. No. 91)—An Act to amend Sections 2133 and 2134 of	

Act	Title	Page
	the Revised Laws of Hawaii 1925, as amended, relating to salaries of district magistrates, clerks and other assistants	352
258 (H. B. No. 208)—	An Act authorizing and directing the board of supervisors and auditor of the City and County of Honolulu to pay the claim of Harry Armitage for assessments and interest for street improvements in Manoa Improvement District Number One in the City and County of Honolulu	353
J. R. No. 1 (S. J. R. No. 3)—	Joint Resolution directing the Attorney General of the Territory of Hawaii to investigate and report upon the rights and claims of the Territory of Hawaii and the County of Maui in and to the waters of Iao Stream, Iao Valley, County of Maui.....	354
J. R. No. 2 (S. J. R. No. 1)—	Joint Resolution memorializing the Congress of the United States of America to amend the Act of Congress approved May 25, 1926 (44 Stats. at Large, C. 380) providing for the construction of certain public buildings and for other purposes.....	355
J. R. No. 3 (S. J. R. No. 2)—	Joint Resolution directing the Surveyor of the Territory of Hawaii to investigate, survey and report upon the boundaries of a certain portion of the Wailuku-Kahului Government Road, in the County of Maui	356
J. R. No. 4 (H. J. R. No. 3)—	Joint Resolution authorizing the appointment of a Joint Committee of the Legislature, which Committee is empowered to destroy all paid up warrants of the government of the Territory of Hawaii and all bonds and interest coupons redeemed and paid of date prior to July 1, 1923.....	356
J. R. No. 5 (S. J. R. No. 7)—	Joint Resolution directing the Board of Harbor Commissioners for the Territory of Hawaii to establish and enforce rate charges in proportion to expenses and bond requirements.....	357
J. R. No. 6 (H. J. R. No. 5)—	Joint Resolution to authorize and direct the Board of Supervisors of the City and County of Honolulu to erect a bandstand and dressing pavilion at Kaiulani Park, Kalihi-uka, City and County of Honolulu....	358
General Index		359-415
Laws, Amended, Repealed.....		416-423
Acts of Congress, Assented or Referred to.....		424

LAWS OF THE TERRITORY OF HAWAII

PASSED AT THE

FIFTEENTH REGULAR SESSION OF THE LEGISLATURE

1929

ACT 1

[H. B. No. 1]

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE REGULAR SESSION OF THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF THE TERRITORY OF HAWAII OF THE YEAR 1929.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There shall be and hereby is appropriated the sum of fifty-five thousand dollars (\$55,000.00) from the public treasury for the purpose of defraying the expenses of the Regular Session of the House of Representatives of the Legislature of the Territory of Hawaii of the year 1929.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of February, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 2

[S. B. No. 1]

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE REGULAR SESSION OF THE SENATE OF THE LEGISLATURE OF THE TERRITORY OF HAWAII OF THE YEAR 1929.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There shall be and hereby is appropriated the sum of forty-five thousand dollars (\$45,000.00) from the public treasury for the purpose of defraying the expenses of the Regular Session of the Senate of the Legislature of the Territory of Hawaii of the year 1929.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of February, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 3

[S. B. No. 6]

AN ACT TO AMEND SECTION 3174 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO APPOINTMENT, TENURE AND REMOVAL OF NOTARIES PUBLIC.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3174 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3174. Appointment. There shall be appointed by the Attorney General one or more suitable persons in each of the judicial circuits of the Territory to be notaries public, who shall hold office until removed by the Attorney General for cause after due hearing."

SECTION 2. This Act shall take effect upon its approval.

Approved this 15th day of March, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 4

[H. B. No. 61]

AN ACT TO AMEND SECTION 4351 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PUNISHMENT FOR THE CRIME OF RIOTS AND UNLAWFUL ASSEMBLIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4351 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 4351. Punishment where persons are endangered. Whoever is guilty of being a party concerned in a riot or unlawful assembly endangering the life, limb, health or liberty of any person, or in any other riot or unlawful assembly, not of the description designated in Section 4350, shall be punished by a fine not exceeding one thousand dollars or by imprisonment at hard labor for not more than twenty years."

SECTION 2. This Act shall take effect upon its approval.

Approved this 15th day of March, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 5

[H. B. No. 65]

AN ACT TO REPEAL SECTION 2051 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LIVERY STABLES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2051 of the Revised Laws of Hawaii 1925, is hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 18th day of March, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 6

[H. B. No. 91]

AN ACT TO AMEND SECTION 4392 OF CHAPTER 273 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE LAW OF ROAD.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4392 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 4392. Penalty. Any person violating any of the provisions of Section 4391 shall, upon conviction, be punished by imprisonment for a term of not more than ten years or by a fine of not more than one thousand dollars or by both fine and imprisonment."

SECTION 2. This Act shall take effect upon its approval.

Approved this 21st day of March, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 7

[H. B. No. 82]

AN ACT PROVIDING A PENSION FOR MRS. FRANK C. JARDINE AND M. C. JARDINE AND RAYMOND JARDINE, HER MINOR CHILDREN, AND MAKING APPROPRIATION THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Treasurer of the Territory of Hawaii is hereby authorized and directed, upon warrants to be issued each month by the Auditor of the Territory of Hawaii, to pay to Mrs. Frank C. Jardine, widow of the late Corporal Frank C. Jardine, Company "D", 299th Infantry, Hawaii National Guard, the sum of sixty dollars (\$60.00) per month, and to continue such payments during her widowhood. Should said widow die or remarry during the minority of M. C. Jardine and Raymond Jardine, her minor children, said Treasurer is authorized and directed, upon warrants to be issued each month by the said Auditor to pay unto each minor child until he arrives at the age of 16 years, the sum of twenty dollars (\$20.00) per month. Such payments are hereby appropriated out of the moneys received in the Treasury from the general revenues.

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of March, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 8

[H. B. No. 145]

AN ACT TO AMEND ACT 114 OF THE SESSION LAWS OF 1925,
AS AMENDED BY ACT 99 OF THE SESSION LAWS OF 1927,
RELATING TO MENTAL DISEASES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 29A of Act 114 of the Session Laws of 1925, as amended by Act 99 of the Session Laws of 1927, is hereby amended to read as follows:

"Section 29A. The superintendent shall have authority to accept voluntary contributions for, and on behalf of any patient, and the superintendent shall keep a detailed account of all such expenditures on behalf of each and every patient for whom any contribution is made, which account shall be open to inspection by any donor at any time. Any donor may at any time demand of the superintendent the then unexpended balance in such donor's contribution, which shall be paid to such donor immediately by the superintendent. In case any patient in whose behalf contributions have been made shall die or be discharged, and no demand is made by the donor within one year for any unexpended balance, such unexpended balance shall be then deposited into the treasury to the ordinary maintenance fund of 'The Territorial Hospital.'"

SECTION 2. This Act shall take effect on and after July 1, 1929.

Approved this 26th day of March, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 9

[S. B. No. 19]

AN ACT TO AMEND THE THIRD AND FOURTH SUBDIVISIONS OF SECTION 2163 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PENSIONS FOR POLICEMEN, FIREMEN AND BANDSMEN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The third and fourth subdivisions of Section 2163 of the Revised Laws of Hawaii 1925, are hereby amended to read as follows:

"Third. Upon the death of any member of the police force, fire department or band, as a result of any injury received or disease contracted while in the performance of his duty, or when entitled to a pension under the provisions hereof or who has been pensioned under the provisions hereof, there shall be paid, for funeral expenses, a sum not to exceed one hundred dollars (\$100.00); and should such deceased member leave a dependent widow or leave a child or children under the age of sixteen years, or both, then there shall be paid to such widow out of such fund fifty dollars (\$50.00) per month until her death or remarriage, and to such children each seven and one-half dollars (\$7.50) per month until they arrive at the age of sixteen years, respectively, to be paid to the mother of such children, if living, for their benefit, so long as such children shall reside with or be supported by her."

"Fourth. If any member of the police force, fire department or band, shall so die not leaving a widow or child under sixteen years of age, but leaving a father or mother dependent upon him, such father or mother (but not both) shall, upon satisfactory proof of such dependency being made to the board of trustees, receive from the fund a sum not exceeding fifty dollars (\$50.00) per month. The board of trustees shall determine whether such father or mother is dependent and how much of the amount herein provided for shall be paid to him or her, respectively; provided, that if there be no widow and no child and no father or mother, but dependent brothers or sisters, then such pension shall be paid to them in such sums as shall not exceed the aggregate amount of thirty dollars (\$30.00) per month. On the remarriage of any widow entitled to the benefits of any sum, or in the event of any father or mother, brothers or sisters ceasing to be dependent, then such payments to them shall cease. All pensions authorized as provided in this section shall be subject to reduction by the board of trustees whenever, in its judgment, the condition of the pension fund or any

other circumstances makes it reasonable, fair or necessary. All pensions so reduced may thereafter be restored or further reduced as the board of trustees may deem best; provided, however, that the benefits hereinbefore set forth shall be in lieu of any or other compensation payable to such member of such police force, fire department, or band or any of his dependents under or on account of chapter 209, or any other claim or demand against the county or city and county by whom such member is employed; provided, further, however, that such member of the police force, fire department or band or his dependents may, at his or her or their election, waive the benefit provided for in this chapter and in lieu thereof claim any compensation or benefits that would otherwise be payable to such member or his dependents under said chapter 209, or in any manner authorized by law."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of March, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 10

[H. B. No. 146]

AN ACT TO AMEND CHAPTER 93 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 1182A, RELATING TO THE WAIMANO HOME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 93 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section to be known as Section 1182A, and to read as follows:

"Section 1182A. Enticing, secreting, etc., penalty. Any person who shall knowingly or intentionally entice away any person committed or admitted to the Waimano Home, or who shall knowingly harbor or secrete any such person who shall have deserted or been enticed away from said Home, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one year."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of March, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 11

[H. B. No. 99]

AN ACT TO AMEND SECTION 2133 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO SALARIES, DISTRICT MAGISTRATES, ETC.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2133 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by amending items 28, 29, 30, 31 and 32 to read as follows:

	<i>Per Month</i>	<i>Per Annum</i>
District Magistrate of Lihue.....	150.00	1800.00
District Magistrate of Koloa.....	140.00	1680.00
District Magistrate of Waimea.....	140.00	1680.00
District Magistrate of Kawaihau	140.00	1680.00
District Magistrate of Hanalei.....	110.00	1320.00".

SECTION 2. This Act shall take effect on and after July 1, 1929.

I hereby certify that the foregoing Bill, having been presented to the Governor for his approval and signature, and not having been signed or vetoed within the time prescribed by the Organic Act of the Territory, has become law without his signature on March 29, 1929.

RAYMOND C. BROWN,
Secretary of the Territory of Hawaii.

ACT 12

[H. B. No. 157]

AN ACT TO AMEND SECTION 4112 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE ACCOUNTING FOR FINES AND COSTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4112 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 4112. Accounting for. Clerks of any court, district magistrates and other officers who shall receive any fines, forfeitures or costs, imposed or awarded by any court to the use of the government, shall keep a correct account of the same, with the names of the persons from whom the same are received, and the dates when they were received, and shall pay over the same to the treasurer; and, moreover, once in three months shall render account of the same to said treasurer.

Provided, however, that in any case where it is provided by any statute of the Territory of Hawaii or by any ordinance of a county or city and county that any portion of the moneys collected by fine shall be paid to the person or persons assisting in the arrest and conviction of the violator, the clerk of the court, district magistrate, or other officer who shall collect such fine is hereby authorized and directed to pay direct to such person the share or portion of such moneys to which he is entitled, taking a receipt therefor in triplicate, one copy of which shall be filed with the auditor and one with the treasurer of the county or city and county when such fines are accounted for to the treasurer."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 4th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 13

[H. B. No. 159]

AN ACT TO AMEND SECTION 2341 OF THE REVISED LAWS OF 1925, RELATIVE TO SERVICE OF SUMMONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2341 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2341. On person, agent or at abode. Every summons issued under the seal of a court of record, shall be served by the high sheriff or his deputy, or a sheriff or deputy sheriff, or any police officer, upon the defendant, by the delivery to him of a certified copy thereof, and of the plaintiff's petition, to which petition shall always be annexed a literal copy of the voucher upon which it is predicated (if any there be), or in case the defendant cannot be found, by leaving such certified copy with some agent or person transacting the business of the defendant, or at the defendant's last place of residence. Such certification may be made by any officer to whom such summons is directed or by a clerk of the court issuing the same."

SECTION 2. This Act shall take effect upon its approval.

Approved this 4th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 14

[H. B. No. 170]

**AN ACT TO AMEND SECTION 2292 OF THE REVISED LAWS OF
HAWAII 1925, RELATING TO CLERKS.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2292 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2292. Temporary. In case of the temporary absence or disability of any clerk, or when the business of any court demands, an assistant clerk may be appointed in the manner provided in Section 2291 for such temporary duty as may be required, and the salary of such assistant at a rate not to exceed one hundred and fifty dollars (\$150.00) per month and for a period not to exceed three months may be paid out of any appropriation available for the expenses of the court."

SECTION 2. This Act shall take effect upon its approval.

Approved this 4th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 15

[S. B. No. 70]

AN ACT TO TRANSFER UNEXPENDED MONEYS HITHERTO APPROPRIATED AND MADE AVAILABLE FOR ITEMS 43 AND 47 OF ACT 182 AND ITEMS 43, 44 AND 45 OF ACT 266 OF THE SESSION LAWS OF HAWAII 1925, RELATING TO PUBLIC IMPROVEMENTS, TO THAT CERTAIN PUBLIC PROJECT IN THE COUNTY OF KAUAI ENTITLED "LIHUE-NAWILIWILI WATER WORKS", PROVIDED FOR PURSUANT TO ACT 271 OF THE SESSION LAWS OF HAWAII 1927; AND TO AMEND SAID ACTS ACCORDINGLY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following unexpended sums of money hitherto appropriated for the following items pursuant to the following entitled Acts and for the following purposes, to-wit:

1.175/33

<i>County of Kauai</i>	<i>Unexpended Appropriation</i>
Waimea Water Works, Act 182, S. L. 1925, Item 43, \$	4,574.50
Waimea Water Works, Act 266, S. L. 1925, Item 44,	10,059.90
Koloa Water Works, Act 182, S. L. 1925, Item 47,	3,127.12
Kekaha Water Works, Act 266, S. L. 1925, Item 45,	2,084.63
Hanapepe Water Works, Act 266, S. L. 1925, Item 43,	330.95

are hereby transferred to the extent that the same exist unlapsd and available to the credit of such items in the territorial treasury, to that certain public project entitled "Lihue-Nawiliwili Water Works" provided for pursuant to Act 271 of the Session Laws of Hawaii 1927, and designated as Item 51 therein.

SECTION 2. This Act shall be construed to effectuate a transfer of the above enumerated sums of money to the extent that the same may be available in the treasury to the "Lihue-Nawiliwili Water Works", augmenting the appropriation therefor made available by Act 271 of the Session Laws of Hawaii 1927, to the extent of such amounts.

[Sic

SECTION 3. The provisions of Act 271 of the Session Laws of Hawaii 1927, as the same may be amended, are hereby extended to the appropriation for the Lihue-Nawiliwili Water Works as here augmented, with like force and effect as the same now apply thereto.

[Sic

SECTION 4. Acts 182 and 266 of the Session Laws of Hawaii 1927, and their respective items herein referred to, and Act 271 of the Session Laws of Hawaii 1927, and Item 51 thereof, are hereby amended in conformity with the provisions of this Act.

[Sic

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 6th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 16

[H. B. No. 133]

AN ACT TO AMEND SECTION 3195 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE DISQUALIFICATION, DISABILITY OR ABSENCE OF THE JUDGE OF THE LAND COURT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3195 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 3195. Disqualification, disability or absence of judge. A judge of the circuit court of the first circuit shall be designated by the chief justice as second judge of the land court, who shall thereupon be authorized to act as judge of the land court in case of the disqualification, disability or absence from the City and County of Honolulu of the judge of the land court; and in case of the disqualification, disability or absence from said city and county of both such judges the chief justice may designate some other circuit judge to perform the duties of judge of the land court during such disqualification, disability or absence."

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 8th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 17

[H. B. No. 154]

AN ACT TO AMEND PARAGRAPH 3 OF SECTION 3941 OF THE
REVISED LAWS OF HAWAII 1925, RELATING TO CORONER'S
INQUEST.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Paragraph 3 of Section 3941 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Each person summoned to serve on a coroner's jury shall be paid three dollars for each day's actual attendance; and the fee of three dollars shall be paid by the county or city and county in which the jury was called. If any person summoned to serve on the jury shall fail to appear, without reasonable excuse therefor, he may be fined by the coroner not exceeding ten dollars or imprisoned not exceeding ten days; and the coroner may issue process to any police officer for the collection of any fine thus imposed."

SECTION 2. This Act shall take effect upon its approval.

Approved this 8th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 18

[H. B. No. 160]

AN ACT TO AMEND SUBDIVISION FOURTH OF SECTION 2248 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE JURISDICTION OF CIRCUIT JUDGES AT CHAMBERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The fourth subdivision of Section 2248 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Fourth. To admeasure dower and curtesy and partition real estate; when the dower or curtesy in real estate cannot be set apart without great injury to the owners, the judge may ascertain the value of such dower or curtesy in money, and order the same to be paid on such terms as shall be just and reasonable; when the partition of real estate cannot be made without great prejudice to the parties, the judge may order a sale of the premises and divide the proceeds."

SECTION 2. This Act shall take effect upon its approval.

Approved this 11th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 19

[H. B. No. 161]

AN ACT TO PROVIDE A STANDARD FOR DETERMINATION OF THE
VALUE OF ESTATES IN DOWER AND CURTESY AND OTHER
LIFE ESTATES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Whenever it shall become expedient or necessary to determine the value of any right of dower or curtesy or any other life estate or interest in any property, in any proceeding for partition or for the admeasurement of dower or curtesy, or wherein the value of any such estate is required to be provided for out of the proceeds of sale of the property subject thereto, the value thereof shall be determined by the rule, method and the standards of mortality and of value that are set forth in the American experience tables of mortality for ascertaining the value of policies of life insurance and annuities, using five per cent per annum as the rate of interest in connection therewith.

SECTION 2. This Act shall take effect upon its approval.

Approved this 11th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 20

[H. B. No. 183]

AN ACT TO AMEND SECTION 2966 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 126 OF THE SESSION LAWS OF 1927, RELATING TO JURISDICTION IN DIVORCE CASES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2966 of the Revised Laws of Hawaii 1925, as amended by Act 126 of the Session Laws of 1927, is hereby further amended to read as follows:

"Section 2966. Jurisdiction; public hearing; two years' residence. Exclusive original jurisdiction in matters of divorce, subject to appeal according to law, is conferred upon the circuit judge or judges severally of the circuit in which the parties shall have last lived together as husband and wife, except in those cases in which the parties have removed from the circuit and are both living in one and the same circuit, in which said cases the circuit judge or judges severally of the circuit in which the parties are both living shall have concurrent jurisdiction with the circuit judge or judges severally of the circuit in which they last lived together as husband and wife, and except also in those cases in which one of the parties has removed from the Territory of Hawaii, in which said cases the circuit judge or judges severally of the circuit in which the applicant resides shall have concurrent jurisdiction with the circuit judge or judges severally of the circuit in which they last lived together as husband and wife. In case the parties shall not have last lived together as husband and wife in the territory, exclusive original jurisdiction, subject to appeal according to law, is conferred upon the circuit judge or judges severally of the circuit in which the applicant resides. It is provided, however, that the judge of the circuit court of the first judicial circuit shall have concurrent jurisdiction with the judge of the circuit in which the parties last lived together as husband and wife in all cases of divorce when the libellant bases his or her claim to a divorce upon the sole ground that the libellant or the libellee has contracted and is affected with leprosy. No case of divorce shall be heard except openly in the public court room. No divorce shall be granted for any cause unless the applicant therefor shall have resided in the territory for two years next preceding his application."

SECTION 2. This Act shall take effect upon its approval.

Approved this 11th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 21

[H. B. No. 201]

AN ACT TO AMEND CHAPTER 151 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTION 2665 THEREOF, RELATING TO THE STATUTE OF FRAUDS AND PERJURIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 151 of the Revised Laws of Hawaii 1925, is hereby amended by amending Section 2665 thereof, to read as follows:

“Section 2665. Certain contracts, when actionable. No action shall be brought and maintained in any of the following cases:

First. To charge an executor or administrator, upon any special promise to answer for damages out of his own estate;

Second. To charge any person upon any special promise to answer for the debt, default or misdoings of another;

Third. To charge any person, upon an agreement made in consideration of marriage;

Fourth. Upon any contract for the sale of lands, tenements or hereditaments, or of any interest in or concerning them;

Fifth. Upon any agreement that is not to be performed within one year from the making thereof;

Sixth. To charge any person upon any agreement authorizing or employing an agent or broker to purchase or sell real estate for compensation or commission;

Seventh. To charge the estate of any deceased person upon any agreement which by its terms is not to be performed during the lifetime of the promissor, or of an agreement to devise or bequeath any property, or to make any provision for any person by will;

Unless the promise, contract or agreement, upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, and be signed by the party to be charged therewith, or by some person thereunto by him in writing lawfully authorized.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 11th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 22

[S. B. No. 50]

AN ACT EXPRESSING THE ASSENT OF THE LEGISLATURE OF THE TERRITORY OF HAWAII TO THE ACTS OF CONGRESS OF MAY 8, 1914, AND MAY 22, 1928, RELATIVE TO AGRICULTURAL EXTENSION WORK.

WHEREAS, the Congress of the United States has passed an Act approved by the President May 8, 1914, entitled: "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and of Acts supplementary thereto, and the United States Department of Agriculture"; and

WHEREAS, the Congress of the United States has passed an Act approved by the President May 22, 1928, entitled: "An Act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act entitled: 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts', approved July 2, 1862, and all Acts supplementary thereto, and the United States Department of Agriculture"; and

WHEREAS, it is provided in Section 3 of the aforesaid Extension Act of Congress approved May 8, 1914, that grants of money authorized by said Act shall be paid annually to each State whose Legislature shall assent to the provisions of said Act; and

WHEREAS, the provisions of the aforesaid Extension Act of May 8, 1914, are extended to the Territory of Hawaii by the Act of Congress approved May 16, 1928; and

WHEREAS, it is provided in Section 1 of the aforesaid Extension Act of Congress approved May 22, 1928, that grants of money authorized by said Act shall be paid annually to States and the Territory of Hawaii whose Legislatures shall assent to the provisions of said Act, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the assent of the Legislature of the Territory of Hawaii be and hereby is given to the provisions and requirements of said Act of May 8, 1914, as supplemented by said Act of May 16, 1928, and to the provisions and requirements of said Act of May 22, 1928, and that the Board of Regents, University of Hawaii, be and they are hereby authorized and empowered to

receive the grants of money appropriated under said Acts, and to organize and conduct agricultural extension work which shall be carried on in connection with the College of Applied Science of said University, in accordance with the terms and conditions expressed in the aforesaid Act of Congress.

SECTION 2. This Act shall take effect upon its approval.

Approved this 12th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 23

[H. B. No. 130]

AN ACT TO AMEND SECTION 2366 OF THE REVISED LAWS OF HAWAII 1925, RELATIVE TO THE JOINDER OF CAUSES OF ACTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2366 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2366. What causes may be joined. The plaintiff in a civil action may unite several causes of action in the same complaint when they all arise out of:

1. Contracts, express or implied; or
2. Claims to recover specific real property, with or without damages for the withholding thereof, or for waste committed thereon, and the rents and profits of the same; or
3. Claims to recover specific personal property with or without damages for the withholding thereof; or
4. Claims against a trustee, by virtue of a contract or by operation of law; or
5. Injuries to character; or
6. Injuries to the person; or
7. Injuries to property.

The causes of action so united shall all belong to one only of these classes, and shall affect all the parties to the action, and they shall be separately stated; provided, however, that causes of

action belonging to different classes may be so joined when they arise out of the same transaction."

SECTION 2. This Act shall take effect upon its approval, but shall not affect any cause then pending in any court.

Approved this 15th day of April A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 24

[H. B. No. 197]

AN ACT TO AMEND SECTION 3463 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO INSURANCE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Subparagraph (e) of paragraph (12) of Section 3463 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"(e) Whenever any of said officers shall find a building or other structure which, for want of repairs, lack of sufficient fire escapes, or by reason of age, dilapidated condition, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property, and whenever any of said officers shall find any premises, whether improved or unimproved, which by reason of the growth of weeds or other vegetation or of the collection of refuse or materials of any kind or otherwise whether with or without the owner's knowledge, intention or permission is especially liable to fire and which is so situated as to endanger other property, and whenever any of said officers shall find in any building or upon any premises, whether improved or unimproved, combustible or explosive matter or inflammable conditions dangerous to the safety of such building or such premises or to any other buildings and/or premises he or they shall order the same to be remedied, and the order shall forthwith be complied with by the owner or occupant of the premises or buildings. It is provided, however, that the foregoing provisions relating to premises, whether improved or unimproved, shall apply only within the city limits of the City of Hilo and the City of Honolulu."

SECTION 2. This Act shall take effect upon its approval.

Approved this 15th day of April A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 25

[H. B. No. 200]

AN ACT TO AMEND SECTION 4374 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO AFFRAY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4374 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 4374 Defined; punishment. Any affray is the unauthorized fighting of two or more persons in a public place. Whoever takes part in, encourages, or promotes an affray, shall be punished by fine not exceeding five hundred dollars or by imprisonment of not more than six months."

SECTION 2. This Act shall take effect upon its approval.

Approved this 15th day of April A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 26

[H. B. No. 36]

AN ACT RELATING TO APPROPRIATION FOR THE RECLAIMING OF ALAMIHI POND IN THE DISTRICT OF LAHAINA, ISLAND OF MAUI, AND REPEALING ACT 171 OF THE SESSION LAWS OF 1927.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of any moneys available in the general fund of the Territory of Hawaii the sum of fifteen thousand dollars (\$15,000.00) for the purpose of reclaiming and improving that property owned by the Territory of Hawaii, situated in the District of Lahaina, Island of Maui, and commonly known as the Alamihi Pond.

SECTION 2. The said sum of fifteen thousand dollars (\$15,000.00) herein appropriated, or so much thereof as may be necessary, shall be disbursed on warrants drawn by the Auditor based on vouchers approved by the Superintendent of Public Works, who shall be charged with the work of reclaiming, improving and otherwise rendering the said Alamihi Pond sanitary and safe to public health.

SECTION 3. Act 171 of the Session Laws of 1927 is hereby repealed.

SECTION 4. This Act shall take effect upon its approval.

Approved this 16th day of April, A. D. 1929.

W. R. FARRINGTON,

Governor of the Territory of Hawaii.

ACT 27

[H. B. No. 127]

AN ACT TO AMEND SECTIONS 2434 AND 2435 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LIEN OF DISTRICT AND CIRCUIT COURT JUDGMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2434 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2434. District Court Judgment, Lien When. Any judgment rendered in a district court shall be a lien upon real property when a transcript thereof, certified by the magistrate of such court, shall have been docketed in the office of the clerk of the circuit court of the judicial circuit in which such district court is situated. A duly certified copy of the entry made in such judgment docket shall be filed in the registry of deeds within fifteen days after such docketing, otherwise such lien shall be void. When a judgment which is a lien under this section is fully paid, the creditor shall, at the expense of the debtor, execute and acknowledge a release, signed by the creditor, or by his attorney of record in the suit, and the release may be filed in said registry. Every release or assignment of judgment shall contain a reference to the filing document number of the registry of the judgment. The filing fee for a judgment shall be one dollar (\$1.00) and for each assignment, and release of judgment twenty-five cents (25c).

It shall be the duty of the registrar of conveyances to keep said judgments, or releases or assignments of same, in a separate file, and to keep an index, in which shall be listed in alphabetical order (the surname appearing first), the names of all defendants and plaintiffs named in said judgments with proper reference thereto. Any assignment or release of said judgment shall be noted in the said index by reference to document number, in separate columns opposite the entry of the judgment. The registrar of conveyances shall cause an index to be prepared, in which

shall be listed in alphabetical order (the surname appearing first) the names of all defendants and plaintiffs named in any said judgment, with a reference to the liber and page of record of same, and also a reference to liber and page of record of any release or assignment of judgment, recorded in the said registry from January 1, 1909, to the date of approval of this Act."

SECTION 2. Section 2435 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2435. Circuit Court Judgment, Lien When. Any money judgment or decree of a circuit court or circuit judge at chambers shall be a lien upon real property when a copy thereof, certified as correct by a clerk of the court where the same is entered, shall be filed in the registry of deeds. When any such judgment shall be fully paid, the creditor or his attorney of record in the suit shall, at the expense of the debtor, execute, acknowledge and deliver to the debtor a satisfaction thereof, which may be filed in the registry. Every satisfaction or assignment of judgment shall contain a reference to the filing document number of the registry of the judgment. The filing fee for a judgment shall be one dollar (\$1.00), and for each assignment or satisfaction of judgment twenty-five cents (25c).

It shall be the duty of the registrar of conveyances to keep said judgments or releases or assignments of same in a separate file, and to keep an index, in which shall be listed in alphabetical order (the surname appearing first), the names of all defendants and plaintiffs named in said judgments with proper reference thereto. Any assignment or satisfaction of said judgment shall be noted in the said index by reference to document number, in separate columns opposite the entry of the judgment.

The registrar of conveyances shall cause an index to be prepared, in which shall be listed in alphabetical order (the surname appearing first), the names of all defendants and plaintiffs named in any said judgment, with a reference to the liber and page of record of same and also a reference to liber and page of record of any satisfaction or assignment of judgment recorded in the said registry from January 1, 1909, to the date of approval of this Act."

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 16th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 28

[H. B. No. 138]

AN ACT TO AMEND SECTION 2489 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO NOTICE TO CREDITORS OF DECEASED PERSONS AND FILING CLAIMS WITH EXECUTORS AND ADMINISTRATORS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2489 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2489. Creditors' claims, advertisement, barred when. Immediately after the appointment of any executor or administrator of any estate, he shall advertise in such newspaper or newspapers as the court shall direct, once in each of four successive weeks, a notice to all creditors of the deceased to present their claims with proper vouchers or duly authenticated copies thereof, even if the claim is secured by mortgage upon real estate, to him, either at his residence or place of business or at such other place as he may designate, within four (4) months from the first day of such publication. And if such claims be not presented within four (4) months from the first publication of the notice, they shall be forever barred, and the executor or administrator shall not be authorized to pay them."

SECTION 2. This Act shall take effect January 1, 1930.

Approved this 16th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 29

[H. B. No. 142]

AN ACT TO AUTHORIZE AND PROVIDE FOR THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC CURRENT FOR LIGHT AND POWER WITHIN HANALEI, IN THE DISTRICT OF HANALEI, ISLAND AND COUNTY OF KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. J. K. Lota, of Hanalei, District of Hanalei, County of Kauai, Territory of Hawaii, his associates, successors and assigns, or such corporations as he may or they shall cause to be incorporated under the laws of the Territory of Hawaii, (he or they being hereafter referred to as "the association"), are hereby granted the right, authority, and privilege to manufacture, sell, furnish and supply electric light, electric current, or electric power, in Hanalei, in the District of Hanalei, on the Island of Kauai, Territory of Hawaii, for lighting the streets, roads, public and private buildings, or for motive power, or for any other purpose which the association may deem advisable, and from time to time for the term of fifty years, for the purposes herein mentioned, to construct, maintain and operate suitable poles, lines, wires, cables, lamps, lamp posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said Hanalei, and to connect the said wires, lines and conductors with any manufactory, private or public buildings, lamps, lamp posts, or other structure or object and the place of source of supply.

SECTION 2. Rules and Regulations. That the Board of Supervisors of the County of Kauai is hereby authorized to make and from time to time change, amend, or add to reasonable rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary or proper for the public safety and welfare. If, at any time, the association, after reasonable notice given to it in writing, shall fail to observe or execute the rules and regulations hereinabove provided for relative to the placing of poles and wires, the insulation of wires and apparatus carrying electric current, and the repair of all poles and appliances, the Board of Supervisors of the County of Kauai, after giving the association reasonable notice thereof in writing of its

intention so to do, may proceed to enforce such rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus, and make such repairs as may be necessary to enforce such rules, and the actual cost thereof may be recovered from the association by the County of Kauai.

SECTION 3. Poles not to interfere with streets. That all poles, lines, wires, cables, lamps, lamp posts, conductors, conduits and other apparatus constructed, maintained, or operated under, along, upon or over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said Hanalei, shall be so constructed and maintained and operated by the association as not to interfere unnecessarily with the use of such streets, sidewalks, roads, squares, bridges, alleys and lanes by the public.

SECTION 4. Plant subject to inspection. That the entire plant, corporation books and accounts of the association shall at all times be subject to the inspection of the public utilities commission of the Territory of Hawaii and the Treasurer of the County of Kauai.

SECTION 5. Meters, charges, reasonableness, how determined. That the association shall have the right to maintain, operate, and use electric meters or other means of measuring electric light, power, or current supply from time to time and to locate the same at such places as may be deemed necessary for determining the current supplied or to be supplied by the association. That the association shall have the right to charge, receive and collect from all consumers of electricity such reasonable prices as may, from time to time, be fixed and determined by the association, but such charge shall not at any time exceed such rate or rates as may be fixed from time to time by the public utilities commission of the Territory of Hawaii; provided, however, that the association shall have the right to charge, receive and collect, from each consumer of electricity, a minimum rate which shall be established by the public utilities commission without regard to the amount of power consumed; and provided, further, that should electricity be required of said association by the Territory of Hawaii, or the County of Kauai, or any successor of either, or of any political subdivision thereof, for public purposes, said association shall charge therefor such rates as shall be fixed by the public utilities commission; and provided, further, that this franchise and the association holding the same shall be subject, as to reasonableness of rates, prices, charges, and in all other respects, to the provisions of Chapter 132 of the Revised Laws of Hawaii 1925, creating a public utilities commission in said territory;

reserving, however, to said association the right to appeal to the Supreme Court of Hawaii from every order of said commission as provided in said chapter.

SECTION 6. Extensions of lines and charges for making connections. The public utilities commission of the Territory of Hawaii is hereby granted the power to order said association, its successors or assigns, to make extensions of its service lines, whenever it shall be made to appear that said extension is a public necessity and that the total plant of said association, including such extension or extensions, can be made to earn a reasonable profit on the cost and maintenance of same; provided that all orders of the public utilities commission herein provided for shall be subject to review by the courts of the territory as provided by law.

SECTION 7. Charges for making connections. That the association shall have the right to charge consumers or applicants for the use of electricity for one-half of the cost and expense of making connections between the nearest line of supply and the premises where the electricity is to be used, such cost and expense to include the price of all wires, poles, insulators and other materials and labor necessary to be used in making such connections, the reasonableness of such charges upon the application of any party in interest to be subject to the approval of the public utilities commission; provided, however, that the association shall not be required to make, construct and maintain said connections as aforesaid for supplying light or power, unless the applicant or applicants for such light and power, if required, shall deposit in advance, with the association, a sum of money sufficient to pay one-half of the cost and expenses of making and constructing such connections and for current for a period of one month in advance.

That the association shall not be required to extend, construct or maintain its main lines beyond a distance of three hundred feet, unless there be an applicant for each three hundred feet of extension, or fraction thereof, and unless such applicant shall, in addition to the other requirements in this Act provided, agree to take, install and maintain five forty-watt lamps or one-horse power of power apparatus for not less than one year.

SECTION 8. Rights to acquire property, limits to. That the said association shall have the right to acquire, hold or take over, either by purchase or lease, property, both real, personal or mixed, and such other property as may be deemed necessary or essential for the proper conduct of its business, but said association shall not have the power or right to purchase the franchise and/or

property of any other company of like nature, except with the approval of the public utilities commission.

SECTION 9. Power to borrow money and bonds. That the said association, whenever from time to time it shall be deemed expedient in the furtherance of the objects of the association, shall have the power to borrow money and secure the payment thereof, with interest agreed upon, by mortgage of all or any part of its property and the franchise and privilege granted and obtained by virtue of this Act; or, if it be deemed advisable bonds may be issued, secured by deed of trust of such property as aforesaid, not to exceed sixty per centum of the actual value thereof, together with all future acquired property, as well as the income and receipts of the property from whatever sources derived, and in such form and under such terms as said association may deem advisable; provided, that nothing in this section contained shall operate to prevent said association from obtaining the usual business credits or making promissory notes without security; and provided further, that the association shall not issue stock in excess of the amount paid to it in cash, or shall issue bonds at less than ninety per centum of their par value; and the entire proceeds of its stock and bonds shall be applied to capital expenditures. No member of the association, or any assignee or successor of the same, and no stockholder or officer thereof shall become interested, directly or indirectly, in any contract made by the association, its assignees or successors, in the construction of any part of the works.

SECTION 10. Franchise not exclusive. That it is hereby expressly provided that nothing herein contained shall be construed to grant to the association an exclusive right to furnish, sell or supply electric current for light and power, and said association and the franchise, rights and privileges granted hereby shall be subject in all respects to such laws establishing a public utilities commission or any amendments thereof, and such other laws of a general nature as may be applicable from time to time to electric light and power plants or the companies operating them in the Territory of Hawaii, or the County of Kauai, or its successor.

SECTION 11. Forfeiture of franchise. That if said association, its representatives, successors and assigns, shall fail or refuse to do or perform or comply with any of the provisions of this Act or of the laws of the Territory of Hawaii, and continues to refuse or fail to perform or comply therewith after reasonable notice given by the public utilities commission of the Territory of Hawaii to comply therewith, said public utilities commission may, with the consent of the Governor, and of the Attorney General cause proceedings to be instituted before any appropriate tribunal

to have the franchise hereby granted and all rights and privileges accruing hereunder forfeited and declared null and void. And in case of a forfeiture of this franchise, the Territory of Hawaii and County of Kauai, or any political subdivision thereof, shall have the right to purchase all the property of the association within the said Hanalei, at the value thereof, such value to be determined as hereinafter provided; provided, that notice of such desire and intention to purchase is given to the association by the Territory of Hawaii, or the County of Kauai, or any political subdivision thereof within sixty days after the forfeiture of this franchise.

SECTION 12. Rules to enforce rates. That the association shall have the right to enforce rates by discontinuing or cutting off the supply of electricity to any consumer who shall refuse to pay the amount due for electricity supplied by said association within such reasonable time as said association may, by general rules, fix for the payment of amounts due, and such discontinuance of service or supply of electricity shall not be a bar to or prejudice the rights of the association in any remedy or remedies now or which may hereafter be authorized by law for the recovery and collection of the amount due.

SECTION 13. Annual statement, payment to government. That the association shall, within one month after the expiration of each calendar year, file with the Treasurer of the County of Kauai, a detailed statement showing all of its receipts and expenditures during the preceding calendar year, and shall, at the time, pay to the Treasurer of the said County of Kauai, for and on behalf of said County, two and one-half per centum of the gross receipts of the association from all electric light or power furnished to consumers during the preceding year; and all its books, papers, records and accounts shall at all reasonable times be open to inspection by the Treasurer of said County, and his respective agents appointed for such purpose.

SECTION 14. Exemption from taxation. That all property of every kind and nature, forming or used as part of such electric system, including this franchise, shall be exempt, except as provided in Section 13, from any and all taxes under the Territory of Hawaii until the expiration of five years from and after the date of approval of this Act by the Congress of the United States.

SECTION 15. Time of commencing work. That the rights hereafter granted shall cease and determine if operations hereunder are not commenced by beginning the construction of buildings or other works for manufacturing, transmitting or supplying electric current for light and power, or by placing poles and wiring the

same, or constructing conduits and laying wires therein, in any of the streets, roads or other places in said district, for the purpose of conducting electric current for light and power, within two years from and after the date of the approval of this Act by the Congress of the United States; and also if sufficient works are not completed and in operation to supply electric current for light and power, or if electric current for light and power be not supplied within two years after such commencement.

SECTION 16. Amendment and repeal of franchise. This franchise may, at any time, be amended or repealed by the Congress of the United States, or by the Legislature of the Territory of Hawaii, with the approval of the Congress of the United States.

SECTION 17. Issue and Sale of Stock. The association may, with the approval of and under the rules and regulations prescribed by the commission, increase its capital stock for capital expenditures by the issuance and sale of new common stock at a price not less than par; provided, however, that bonds or notes, the proceeds of which have been used for capital expenditures may be redeemed by capital stock of the association, as approved by the commission, at par to the amount of the proceeds received by the association from the sale of such bonds or notes.

SECTION 18. Purchase of all property of association. That the Territory of Hawaii, the County of Kauai, or any political subdivision thereof may, at any time after the expiration of twenty years from the date of the passage of this Act by the Congress of the United States, and upon six months' notice to the association in writing, given pursuant to proper authority when so authorized by the Legislature of the Territory of Hawaii, acquire by purchase all of the property of the association, subject to the then existing charges thereon.

The amount to be paid to the association for such purpose shall be determined by the public utilities commission; but such amount shall in no case exceed the actual cost or the actual value of the tangible property or the actual cost of reproducing or replacing it, less depreciation and less the charges thereon. The value of the franchise or good will, or any other intangible element shall not be considered in determining the amount to be paid.

Either the association or the purchaser may appeal to the Supreme Court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the Supreme Court the record of its proceedings, showing in such certificate the valuation claimed by the purchaser, and the valuation as

determined by the commission. Such certificate shall be accompanied by copies of all papers, documents and evidence, and transcript of testimony upon which the decision of the commission was based, and a copy of such decision. Upon any such appeal, the Supreme Court may, in its behalf, take or require or permit further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid, the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance; but said association shall make all such further conveyances as may be desired by the purchaser and approved by said commission or said court on appeal.

SECTION 19. Power of Commission. The Commission is hereby vested with power and jurisdiction by order to regulate, fix and change all rates, charges, classifications, rules and practices made, charged or observed by the company or association, the manner in which all property of the association is operated with reference to the safety or accommodation of the public, its form and method of keeping accounts, books and records, and its accounting system, the return upon its property, the incurring of indebtedness and the disposition of its proceeds and income, and to regulate all of its financial transactions, its business relations with other persons, companies, or corporations, its compliance with all applicable territorial and federal laws and with the provisions of its franchise and articles of association, its classifications, rules, regulations, practices and service and all matters of every nature affecting the relations and transactions between it and the public and persons or corporations, and to do all things whether herein specifically designated or in addition thereto which are necessary and in the exercise of such power and jurisdiction, all of which as so ordered, regulated, fixed and changed shall be just and reasonable and such as shall provide a fair return on the property of the association actually used for public utility purposes, and such orders may be made after a hearing upon its own motion or upon complaint.

This section shall not be held or construed to be a limitation upon any power of the public utilities commission of the Territory of Hawaii under Chapter 132 of the Revised Laws of Hawaii 1925, creating a public utilities commission or any amendments thereto or any laws relating to public utilities in the Territory of Hawaii.

SECTION 20. This Act shall take effect and be law from and after the date of its approval by the Governor of the Territory

of Hawaii, subject, however, to the approval of the Congress of the United States, such approval of Congress to be secured within four years from the date of such approval by the Governor.

Approved this 16th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 30

[H. B. No. 83]

AN ACT FOR THE RELIEF OF SERGEANT JOHN H. MCINTOSH, COMPANY "H", 298TH INFANTRY, HAWAII NATIONAL GUARD.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Treasurer of the Territory of Hawaii is hereby authorized and directed to pay to Sergeant John H. McIntosh, Company "H", 298th Infantry, Hawaii National Guard, the sum of six hundred dollars (\$600.00) to compensate him for personal injuries sustained on August 13, 1927, by reason of being thrown from a truck while on active duty with the Hawaii National Guard, at Camp Lawrence M. Judd, Schofield Barracks, Oahu. Said sum of six hundred dollars (\$600.00) is hereby appropriated out of any money in the treasury not otherwise appropriated.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 16th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 31

[S. B. No. 35]

AN ACT DIRECTING THE SURVEYOR OF THE TERRITORY OF HAWAII TO CHECK AND ESTABLISH PERMANENT MONUMENTS AND STANDARD SIGNALS AT ALL PRIMARY AND SECONDARY TRIANGULATION STATIONS IN THE COUNTY OF MAUI, COUNTY OF HAWAII, COUNTY OF KAUAI AND THE CITY AND COUNTY OF HONOLULU, AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. It shall be the duty of the Territorial Surveyor to check and ascertain the proper location of and establish permanent monuments and standard signals at all primary and secondary triangulation stations in the County of Maui, the County of Hawaii, the County of Kauai and the City and County of Honolulu. Said Territorial Surveyor shall furnish a detailed report of his work in that regard to the next Legislature of the Territory of Hawaii. 1/3 L/32 P. 51

SECTION 2. There is hereby appropriated the sum of fifteen thousand dollars (\$15,000.00) out of all moneys available in the treasury of the Territory of Hawaii for the purpose of carrying out the directions of this Act by the Territorial Surveyor.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 32

[S. B. No. 106]

AN ACT DEFINING THE CRIME OF TRAIN WRECKING AND ATTEMPTED TRAIN WRECKING AND PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS ACT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Every person who unlawfully throws out a switch, removes a rail, or places any obstruction on any railroad with the intention of derailing any passenger, freight or other train, car or engine, or who unlawfully places any dynamite or other explosive material or any other obstruction upon or near the track of any railroad with the intention of blowing up or derailing any such train, car or engine, or who unlawfully sets fire to any railroad bridge or trestle, over which any such train, car or engine must pass, with the intention of wrecking such train, car or engine, is guilty of a felony, and shall be punished by a fine not to exceed the sum of One Thousand Dollars (\$1,000.00) or by imprisonment at hard labor for a term not less than one (1) year nor more than ten (10) years.

SECTION 2. Every person who unlawfully throws out a switch, removes a rail, or places any obstruction on any railroad with the intention of derailing any passenger, freight or other train, car or engine and thus derails the same, or who unlawfully places any dynamite or other explosive material or any other obstruction upon or near the track of any railroad with the intention of blowing up or derailing any such train, car, or engine and thus blows up or derails the same, or who unlawfully sets fire to any railroad bridge or trestle over which any such train, car or engine must pass with the intention of wrecking such train, car or engine, and thus wrecks the same, is guilty of a felony and shall suffer the punishment of death or imprisonment at hard labor for life, in the discretion of the Court.

SECTION 3. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 33

[S. B. No. 128]

AN ACT EMPOWERING THE COUNTIES AND CITY AND COUNTY
TO PROVIDE FOR THE CARE OF INDIGENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. For the purpose of this Act, the term "indigent" means a person without means of subsistence, for the support of whom no other person or agency is liable and responsible.

SECTION 2. Each county and city and county in the Territory of Hawaii is hereby authorized and empowered to make proper provisions for the care of indigents within its jurisdiction.

SECTION 3. This Act shall take effect from and after July 1, 1929.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 34

[S. B. No. 129]

AN ACT APPROPRIATING \$441.95 TO REIMBURSE MRS. JULIA SILVA FOR AUTOMOBILE DAMAGE CAUSED BY THE NEGLIGENT OPERATION OF A TERRITORIALLY OWNED AND OPERATED AUTOMOBILE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of Four Hundred Forty-one and 95/100 Dollars (\$441.95) is hereby appropriated from the general revenues of the Territory to reimburse Mrs. Julia Silva for damages to her automobile resulting from a collision on November 23, 1928, caused by the negligence of a territorial prisoner in the operation of a territorially owned automobile.

SECTION 2. The sum herein appropriated shall be paid to Mrs. Julia Silva upon a voucher approved by the Attorney General, who shall first require for filing with the Auditor a release from the said Mrs. Julia Silva from all further claims for damages resulting from the aforesaid collision, and a release from von Hamm-Young Company, Limited, from all further claims for repairs thereby occasioned.

SECTION 3. This Act shall take effect upon approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 35

[S. B. No. 142]

AN ACT MAKING AN APPROPRIATION FOR THE BENEFIT OF
SAMUEL W. KEPANO.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Treasurer of the Territory of Hawaii is hereby authorized and directed to pay to Samuel W. Kepano the sum of One Hundred Sixty-nine Dollars (\$169.00) to reimburse him for money expended for hospital services and treatment necessitated by reason of illness incurred in his employment as range keeper of the Punchbowl Target Range of the Hawaii National Guard.

SECTION 2. Said sum of One Hundred Sixty-nine Dollars (\$169.00) is hereby appropriated out of the moneys received in the treasury of the Territory of Hawaii from the general revenues.

SECTION 3. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 36

[S. B. No. 149]

AN ACT TO REPEAL ACT 179 OF THE SESSION LAWS OF 1917,
RELATING TO THE CONSTRUCTION OF ROADS THROUGH THE
KAWAILOA BEACH LOTS, DISTRICT OF KOOLAUPOKO, OAHU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 179 of the Session Laws of 1917, appropriating thirty-five hundred dollars (\$3500.00) out of the fund for homestead roads, Oahu, for the construction of roads through the Kawaiiloa Beach Lots, District of Koolau-poko, Oahu, is hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 37

[H. B. No. 6]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO REIMBURSE JOSEPH A. LUCAS, ASSOCIATED INVESTMENT COMPANY, MYSTIC LODGE NO. 2, KNIGHTS OF PYTHIAS, ANTONE BOTELHO AND CAESAR J. GOMES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the City and County of Honolulu is hereby authorized and directed to pay to the persons hereinafter named the amounts set opposite their names for the purpose of reimbursing them for taxes illegally collected:

Joseph A. Lucas.....	\$117.55
Associated Investment Company.....	305.64
Mystic Lodge No. 2, Knights of Pythias.....	526.85
Antone Botelho.....	183.77
Caesar J. Gomes.....	89.84

SECTION 2. These sums shall be paid upon warrants issued by the Auditor of the City and County of Honolulu based upon vouchers approved by the Tax Assessor of the First Taxation Division.

SECTION 3. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 38

[H. B. No. 58]

AN ACT TO AMEND SECTION 1324 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO TAX EXEMPTIONS OF LEPEES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1324 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1324. Lepers. Any person who has been declared by the board of health to be a leper and is detained and confined as such, shall, so long as he is so detained and confined, be exempted from the payment of all personal and specific taxes, and from property taxes on all property owned by him on the date when he was de-

clared a leper, up to, but not exceeding, a taxable value of ten thousand dollars (\$10,000.00); provided, that any such person who has been temporarily released shall, so long as he remains or continues under such temporary release, still maintain the status of a leper within the meaning of this Act, and as such shall be entitled to the exemptions on personal and property taxes herein provided."

SECTION 2. All laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

SECTION 3. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 39

[H. B. No. 44]

AN ACT TO AMEND CHAPTER 116 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 1689A, RELATING TO QUALIFICATIONS OF DEPUTIES, CLERKS, ASSISTANTS AND OTHER EMPLOYEES OF THE VARIOUS COUNTIES OF THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 116 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section thereto to be known as Section 1689A, to read as follows:

"Sec. 1689A. Qualifications of deputies, etc. All deputies, clerks, assistants and other employees of any county must be citizens of the United States of America and must, while holding their respective offices or positions, actually reside in such county and must have so resided for not less than three months preceding their appointment; provided, however, that professional persons who have resided anywhere within the Territory of Hawaii at least one year may be employed by any county; provided, further, that if professional persons with such residential qualification are not available, the board of supervisors may permit professional persons not possessing such qualification to be employed."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 40

[H. B. No. 166]

AN ACT TO AMEND CHAPTER 145 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PROBATE JURISDICTION AND PROCEDURE, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 2496A, RELATING TO NOTICE OF HEARING ON PETITIONS FOR APPROVAL OF FINAL ACCOUNTS, DISTRIBUTION OF ESTATES AND DISCHARGE OF EXECUTORS AND ADMINISTRATORS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 145 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section thereto to be known as Section 2496A, to read as follows:

"Section 2496A. Time of hearing and notice of petitions for approval of final accounts, distribution of estates and discharge of executors and administrators. Upon the filing of a petition for approval of final accounts, distribution of estate and discharge of an executor or administrator, the clerk of court shall fix the time of hearing thereon, which shall not be less than twenty (20) nor more than thirty (30) days after the date of the filing of the petition. Notice of the time and place of hearing on such petition shall be given by publication once in each of three successive weeks in such newspaper as the clerk may determine, the first publication to be not less than twenty (20) days prior to the date of hearing. Provided, however, that when in the opinion of the judge the value of the estate to be distributed does not exceed one thousand dollars (\$1000.00) and no injustice will result to anyone, he may by order direct the clerk to shorten the time of such notice, or he may by order direct that such notice be given by posting as provided in such order instead of by publication; and provided further, that this section shall not apply to petitions by temporary administrators."

SECTION 2. This Act shall take effect January 1, 1930.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 41

[H. B. No. 167]

AN ACT TO AMEND CHAPTER 145 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PROBATE JURISDICTION AND PROCEDURE BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 2482A, RELATING TO NOTICE OF HEARING ON PETITIONS FOR PROBATE OF WILLS AND FOR LETTERS OF ADMINISTRATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 145 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a section to be known as Section 2482A, to read as follows:

"Section 2482A. Time of hearing and notice of petitions for probate of wills or for letters of administration. Upon filing of a petition for the probate of a will or for letters of administration, the clerk of court shall fix the time of hearing thereon, which shall be not less than twenty (20) nor more than thirty (30) days after the date of the filing of the petition. Notice of the time and place of hearing on such petition shall be given by publication once in each of three successive weeks in such newspaper as the clerk may determine, the first publication to be not less than twenty (20) days prior to the date of hearing. Provided, however, that when in the opinion of the judge the value of the estate does not exceed one thousand dollars (\$1000.00) and no injustice will result to any one, he may by order direct the clerk to shorten the time of such notice, or he may by order direct that such notice be given by posting as provided in such order instead of by publication; and provided further, that this section shall not apply to petitions for the appointment of temporary administrators."

SECTION 2. This Act shall take effect January 1, 1930.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 42

[H. B. No. 175]

AN ACT AMENDING SECTION 3073 OF THE REVISED LAWS OF HAWAII 1925, SO AS TO PERMIT THE GUARDIAN OF AN INSANE PERSON TO EXPEND ACCUMULATED INCOME OF THE WARD'S PROPERTY FOR IMPROVEMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3073 of the Revised Laws of Hawaii 1925, is hereby amended so as to read as follows:

"Section 3073. Powers and duties. Every guardian so appointed for an insane person shall have the care and custody of the person of the ward, and management of all his estate, until the guardian shall be legally discharged, and he shall give a bond to the judge appointing him, in like manner, and with the like condition, as is before prescribed with respect to the guardian of a minor, excepting that the provision relating to the education of the ward shall be omitted in the condition of the bond.

It is provided, however, that without prejudice to the generality of the foregoing provisions of this section, the guardian may, with the approval of the circuit judge having jurisdiction of the estate, out of the funds of the estate, erect new buildings on the real estate of the ward, whether for the purpose of improving said real estate or for replacing other buildings, and may otherwise improve the real property of the ward."

SECTION 2. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 43

[H. B. No. 218]

AN ACT TO AMEND SECTIONS 2343, 2344, 2345 AND 2347 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE SERVICE OF PROCESS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2343 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

1. 2 "Section 2343. Service by publication, when. If the defendant was never a resident of the Territory of Hawaii, or has removed therefrom, or if, after due diligence, he cannot be found within the Territory, but has property situate within the Territory, and the facts shall appear by affidavit or otherwise to the satisfaction of the judge, he may order that service be made by publication of summons in some newspaper suitable for the advertisement of notices of judicial proceedings for such length of time as he may deem reasonable, not less than once each week in ten successive weeks. The service of summons shall be deemed complete at the expiration of the time prescribed by the order for publication. Such order and notice shall also set a date for the trial of the action."

SECTION 2. Section 2344 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2344. Personal service on non-residents. If the residence of such defendant be known, or shall be ascertained after publication of summons has been ordered, the judge may order personal service of a certified copy of the declaration or petition and summons and notice of the date of trial, either within or without the Territory, or service by registered mail with request for a return receipt which service, evidenced by such receipt signed by the defendant and returned to the clerk of the court, shall be regarded as equivalent to service by publication or in lieu thereof."

SECTION 3. Section 2345 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2345. Substituted service of summons in attachment cases. In all cases where a writ of attachment is issued out of any court in accordance with the provisions of Chapter 162, relating to attachments, if it shall appear by affidavit or otherwise to the satisfaction of the judge that the defendant in attachment was

never a resident of the Territory, or has removed therefrom, or that he secretes himself so that process cannot be personally served upon him, the judge may order that service be made by publication as provided in Section 2343, or in the manner provided in Section 2344, and with like effect. Upon the trial of the cause the defendant thus summoned, if he do not appear, may be declared to be in default, and the court may proceed to hearing and judgment, and may issue execution against the property upon which attachment has been levied."

SECTION 4. Section 2347 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2347. Form of published notice. The published notice provided for in Sections 2343, 2344 and 2345 shall be substantially in the following form:

(TITLE OF COURT AND CAUSE)

'THE TERRITORY OF HAWAII

To_____

You are hereby notified that _____, the above named plaintiff, has commenced an action of_____ against you in the above entitled court wherein he prays judgment in the sum of \$_____, with costs, and you are hereby summoned to be and appear before the said court at the time set for the trial of said action to show cause why judgment as prayed for should not be awarded to said plaintiff, otherwise you will be declared to be in default.

The court has set said cause for trial on_____ the_____ day of _____ 19____ at _____ o'clock ____ M.

WITNESS the Honorable Presiding Judge
of said Court this _____ day of _____ 19____.

Clerk.' "

SECTION 5. This Act shall take effect upon its approval, except as to pending litigation and as to such the laws in force prior to the effective date of this Act shall govern.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 44

[H. B. No. 219]

AN ACT TO AMEND SECTION 2472 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO SERVICE OF PROCESS IN PROCEEDINGS IN EQUITY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2472 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

17 "Section 2472. Service of process in proceedings in equity. When process is issued in any proceeding in equity in any matter of the character referred to in Section 2470, or in any other matter involving or concerning any tangible property, whether real or personal situated in the territory, or the right to the possession thereof or title thereto, it shall be served by delivery of a copy of the petition and of the summons to the defendant or respondent, or, in case he cannot be found, by leaving such copy upon the premises involved in the controversy, if the same concerns real property, or in such other manner as the judge may direct. If the defendant was never a resident of the Territory of Hawaii, or has removed therefrom, and the facts shall appear by affidavit or otherwise to the satisfaction of the judge, he may order that service be made by publication of a notice of the pendency of such suit or proceeding in some newspaper suitable for the advertisement of notices of judicial proceedings for such length of time as he may deem reasonable, not less than once each week in ten successive weeks, calling upon the defendant and all persons interested to appear and show cause why the prayer of the bill or petition filed in such suit or proceeding should not be granted at the time and place appointed for hearing. Service shall be deemed complete at the expiration of the time prescribed by the order for publication. If the residence of any such defendant be known, or shall be ascertained after publication of such notice has been ordered, the judge may order personal service of a certified copy of the bill or petition and summons and notice of the date of hearing, either within or without the territory, or service by registered mail with request for a return receipt which service, evidenced by such receipt signed by such defendant and returned to the clerk of the court, shall be regarded as equivalent to service by publication, or in lieu thereof."

SECTION 2. This Act shall take effect upon its approval, except as to pending litigation, and as to such, the laws in force prior to the effective date of this Act shall govern.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 45

[H. B. No. 221]

AN ACT TO AMEND SECTION 2493 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE SALE OF REAL ESTATE BY EXECUTORS AND ADMINISTRATORS.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2493 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2493. Real estate, sale to pay debts, administration expenses, family allowance and estate and inheritance taxes. The real property of a decedent shall hereafter be subject to sale by the executor or administrator when authorized by the court for payment of expenses of administration, family allowance, and estate and inheritance taxes as well as for payment of debts when the personal estate of the decedent is insufficient for such purposes; and whenever it shall appear to be for the best interests of the estate and not inconsistent with the will, if any, of the decedent, to sell real property before exhausting the personal property for such purposes or any of them, the executor or administrator may do so. In the case of any such sale he shall obtain a license therefor and proceed in the manner hereinafter provided, and in every such case the residue of the proceeds, if any, shall be considered as real property, and together with personal property of the estate, if any personal property remains available, equal, so far as the same is sufficient, in inventoried value to the amount of the proceeds so expended in the payment of debts, expenses of administration, family allowance and estate and inheritance taxes or any of them, shall be distributed among the same persons and in the same proportions as the real property would have been, if it had not been sold, so that the value of the portions of the estate received by the persons entitled to share therein shall, as near as possible amount to the same as if personal instead of real property had been sold."

SECTION 2. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 46

[H. B. No. 229]

AN ACT TO AMEND SECTION 3340 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO RENEWAL OF CORPORATION CHARTERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3340 of the Revised Laws of Hawaii 1925, as amended by Act 110 of the Session Laws of Hawaii 1927, is hereby further amended to read as follows:

"Section 3340. Charter, renewal of. The treasurer shall also have the power at any time not more than fifteen years prior to the expiration of any charter or articles of association to renew the same or extend the duration of the same on application to him for that purpose, upon the filing in the treasurer's office of a verified certificate signed by the president and secretary of the corporation, or by the presiding officer and secretary of the meeting at which the vote was taken, showing that the proposed renewal or extension has been approved of by the vote of not less than two-thirds of all of its issued and outstanding stock, or, in the case of a non-stock corporation, by the vote of not less than two-thirds of the members present at a duly called meeting thereof, and a satisfactory explanation to him of the state of its affairs; provided, however, that such renewal or extension together with the unexpired term of the charter or articles of association does not exceed a total of fifty years from and after the date of the renewal or extension.

All extensions and renewals of charters and articles of association granted prior to January 1, 1929, are ratified and confirmed."

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 47

[H. B. No. 252]

AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE AND EXPEND OUT OF THE PERMANENT IMPROVEMENT FUND THE SUM OF FIFTY THOUSAND DOLLARS (\$50,000.00) DURING THE YEAR 1929 AND THE SUM OF FIFTY THOUSAND DOLLARS (\$50,000.00) DURING THE YEAR 1930 FOR THE PURCHASE OF EQUIPMENT FOR THE HONOLULU FIRE DEPARTMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the City and County of Honolulu is hereby authorized and empowered to appropriate and expend out of the Permanent Improvement Fund of said City and County the sum of fifty thousand dollars (\$50,000.00) during the year 1929 and the sum of fifty thousand dollars (\$50,000.00) during the year 1930 for the purchase of equipment for the Honolulu Fire Department.

SECTION 2. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 48

[H. B. No. 258]

AN ACT TO AMEND SECTION 3559 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE PENALTY FOR NONCOMPLIANCE BY COPARTNERSHIPS WITH THE LAWS OF HAWAII, BY CHANGING THE NATURE AND AMOUNT OF SUCH PENALTY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3559 of Chapter 201 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 3559. Penalty for noncompliance with statutes. The members of every copartnership who shall neglect or fail to comply with the provisions of this chapter, shall severally and individually, be liable for all the debts and liabilities of the copartnership, and may be severally sued therefor, without the necessity of joining the other members of the copartnership, in any action or suit, and shall also severally forfeit to the territory \$5.00 for each and every day while the default shall continue, to be recovered by action brought in the name of the territory by the treasurer."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 49

[H. B. No. 260]

AN ACT TO AMEND SECTION 3497 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE PENALTY FOR NONCOMPLIANCE BY FOREIGN CORPORATIONS WITH THE LAWS OF HAWAII, BY CHANGING THE NATURE AND AMOUNT OF SUCH PENALTY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3497 of Chapter 195 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 3497. Penalty for noncompliance with statutes. Every person acting as agent, or assuming to act as agent of any foreign corporation which has failed to comply with any of the statutes regarding foreign corporations, shall forfeit to the territory \$100.00 for every such violation, neglect or failure, to be recovered by action brought in the name of the territory by the treasurer.

Every foreign corporation failing to comply with any of the statutes regarding foreign corporations shall forfeit to the territory \$100.00 for every such violation, neglect or failure, to be recovered by action brought in the name of the territory by the treasurer; which penalty shall be in addition to all fees, licenses and penalties in this chapter otherwise provided; and shall be denied the benefit of the laws of the territory, particularly the statute limiting the time for commencement of civil actions or of criminal actions, and shall not be entitled to sue, plead or appear, except as hereinbelow provided, in any court of the territory, for any cause or action whatever, while the neglect or refusal continues; provided, however, that the court may grant, in its discretion, additional time, within which to comply with the statutes, when it shall appear that the corporation has a meritorious defense to any action brought against it."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 50

[H. B. No. 324]

AN ACT TO AMEND SECTION 1322 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PERSONAL TAX EXEMPTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1322 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1322. Persons exempt; clergymen, members of volunteer fire department, national guard and naval militia. The following persons shall be exempt from personal taxes: all clergymen of any Christian denomination regularly engaged in their vocation, regular members of a volunteer fire department, all officers and soldiers of the national guard, and all officers and sailors of the naval militia; provided, however, that in order to secure such exemption the commanding officer of such soldiers or sailors shall, on or before January 31st in each year, deliver under oath to the assessor of the division, a statement as of January 1st of that year showing the names of such soldiers or sailors who are entitled to exemption.

A person whose tax has been wholly exempted or abated shall be entitled to a certificate thereof from the assessor upon demand therefor."

SECTION 2. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 51

[H. B. No. 333]

AN ACT TO AMEND SECTION 2506 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO UNDISTRIBUTED PROCEEDS OR BALANCES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2506 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2506. Undistributed proceeds or balances, disposition. When no such claim to such money or funds is made, or when any balance remains after the payment of any and all claims made,

within the time limited in Section 2504, such clerk shall immediately deposit the money or funds, or any such balance, with the treasurer of the municipal subdivision in which the circuit court has particular jurisdiction."

SECTION 2. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 52

[H. B. No. 103]

AN ACT APPROPRIATING FROM THE SPECIAL FUND KNOWN AS "SPECIAL LAND SALES, KAUAI", THE SUM OF TEN THOUSAND DOLLARS (\$10,000.00) FOR THE IMPROVEMENT OF THE WAILUA GOLF COURSE, KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of any moneys now or hereafter to become available in that special fund known as "Special Land Sales, Kauai", the sum of ten thousand dollars (\$10,000.00) for the purpose of improving the Wailua Golf Course, located within Lydgate Park, sometimes known as "Wailua Public Park".

SECTION 2. The moneys herein appropriated shall be disbursed on warrants drawn by the Auditor based on vouchers approved by the Commissioner of Public Lands.

SECTION 3. This Act shall take effect from and after the date of its approval.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 19, 1929.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the House of Representatives on the 18th day of April, A. D. 1929.

F. D. LOWREY,
Speaker, House of Representatives.

JOSEPH ORDENSTEIN,
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY
OF HAWAII

Honolulu, T. H., April 19, 1929.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the Senate this 19th day of April, 1929.

ROBERT W. SHINGLE,
President of the Senate.

ELLEN D. SMYTHE,
Clerk of the Senate.

ACT 53

[S. B. No. 105]

AN ACT TO AMEND ACT 78 OF THE SESSION LAWS OF HAWAII 1925, CREATING THE TERRITORIAL HIGHWAY DEPARTMENT, AND MAKING OTHER PROVISIONS FOR THE PURPOSE OF COMPLYING WITH THE FEDERAL HIGHWAY ACT, AND RATIFYING ALL CONTRACTS AND ACTS PREVIOUSLY EXECUTED OR PERFORMED IN CONNECTION WITH FEDERAL AID PROJECTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 78 of the Session Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1. Definitions. Whenever used in this Act:

(a) 'Secretary' means the Secretary of Agriculture of the United States of America.

(b) 'Territory' means the Territory of Hawaii.

(c) 'Federal Highway Act' means the Federal Highway Act as defined by Section 1 of Title 23 of the United States Code Annotated, and all Acts of the Congress of the United States amendatory or supplementary thereto, including future enactments not requiring substantial changes of the powers and duties provided for by this Act.

(d) 'Federal aid project' means any project for the construction and/or reconstruction of any highway or portion thereof upon which federal aid funds are to be, are being, or have been, expended, in connection with local appropriations as in this section defined.

The Property of the Territory
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(e) 'Federal aid funds' means funds appropriated by the Congress of the United States under or for the purposes of the Federal Highway Act, in which the Territory is entitled to share.

(f) 'Local funds' means funds appropriated by the Territory and/or any county of the Territory for the construction of any federal aid project.

(g) 'County' means 'county or city and county'."

"Section 2. For the purpose of complying with the provisions of the Federal Highway Act, the department of public works of the Territory is hereby designated as the territorial highway department, and the superintendent of public works as the territorial highway engineer.

"Section 3. The duties of the territorial highway engineer shall be:

(a) To select, designate or lay out, in compliance with the requirements of the Federal Highway Act, a system or systems of highways in the Territory of Hawaii, upon which federal aid funds may or are to be expended, together with territorial or county funds, or both.

(b) To alter, modify or revise such system or systems or any portion or portions thereof, to such extent and in such manner as may be required by the Secretary under the provisions of the Federal Highway Act, provided such alteration, modification or revision be not forbidden by the laws of the Territory.

(c) To prepare, or cause to be prepared, and to submit for approval to the Secretary, conformably to the Federal Highway Act, project statements setting forth proposed construction or reconstruction of any highway or portion thereof upon which federal aid funds are proposed or desired to be expended in connection with local funds; and upon approval of any of such project statements, conformably to the Federal Highway Act, to prepare or cause to be prepared, and to submit for approval to the Secretary, such surveys, plans, specifications and estimates for the project embraced by such statement, or any portion thereof, as such Secretary may require.

(d) Subject to the approval of the Secretary, and conformably to the Federal Highway Act, on behalf of the Territory, to undertake, and enter into contracts for, the construction of such federal aid projects, and the expenditure of federal aid funds, together with local funds, upon such projects, and to supervise the construction of such projects.

(e) To undertake and perform any and all acts which shall be necessary or proper for the purpose of complying with the provisions of the Federal Highway Act and securing the benefits of fed-

eral aid for highways which the Territory is eligible to receive under said Act.

"Section 4. In addition to the powers possessed by the superintendent of public works as such, the territorial highway engineer shall have any and all further powers which may be necessary for the full and effective performance and discharge of the duties imposed upon him by this Act and/or which may be necessary fully and completely to carry out and effectuate the purposes of this Act.

"Section 5. Every contract for the construction of federal aid projects shall be undertaken and made on behalf of the Territory by the territorial highway engineer, and the provisions of Section 1479 of the Revised Laws of Hawaii 1925, shall be applicable only to that portion of the contract price involved in such contract as shall be payable out of local funds. As to such portion of such contract price as shall be expressed in such contract to be payable out of federal aid funds, such contract shall be construed to be an agreement on the part of the Territory to pay said portion to the contractor, only out of federal aid funds to be received from the Federal Government under the provisions of the Federal Highway Act, if and when such federal aid funds shall be received by the Territory, and shall not be construed to be a general agreement on the part of the Territory to pay said portion at all events out of any funds other than those which may be so received by the Territory from the Federal Government. Each such contract shall contain a provision to that effect and shall, in any event, be subject to the provisions of this section. *Amended 2/1/31*

"Section 6. Whenever, after April 24, 1925, appropriations shall be made by the Legislature of the Territory for the construction or reconstruction of any highway or portion thereof, the territorial highway engineer, in the absence of any provision to the contrary in the act making such appropriation, or in any other territorial laws applicable thereto, and in case such highway be eligible for federal aid and he shall deem such course advisable, shall have power, subject to the approval of the Secretary, to construct such highway as a federal aid project, and to contract for the same in accordance with the provisions of this Act and of the Federal Highway Act. *Amended 2/1/31*

If any appropriation made by the Legislature of the Territory after April 24, 1925, for the construction or reconstruction of any highway or portion thereof, shall be required by the act making such appropriation to be expended by the board of supervisors of a particular county, such board shall have power, in the absence of specific provision to the contrary in such act, by resolution adopted in the manner required by law relating to resolutions involving the

expenditure of public money, to place such appropriation in the control and at the disposal of the territorial highway engineer for the purpose of constructing such highway or portion thereof as a federal aid project, in which event, such appropriation shall pass into the exclusive control of the territorial highway engineer and become subject to all the provisions of this Act.

87. "Section 7. The board of supervisors of any county shall have power, by resolution adopted in the manner required by law relating to resolutions involving the expenditure of public money, to place under the control and at the disposal of the territorial highway engineer any funds of such county expendable for construction or reconstruction of highways within such county, for the purpose of securing federal aid for the construction and/or reconstruction of any highway or portion thereof eligible for federal aid within such county, and constructing such project as a federal aid project.

"Section 8. In the event that any funds for highways shall be placed at the disposal of the territorial highway engineer by the board of supervisors of any county under the provisions of Section 6 or Section 7 of this Act, said funds, if not already in the treasury of the Territory, or under the immediate control of the proper officers of the Territory, shall be paid by such county into the treasury of the Territory for the purpose specified, and shall thereafter be expendable only by the territorial highway engineer for such purpose upon warrants drawn by the auditor of the Territory based upon vouchers approved by the territorial highway engineer.

If said funds be not wholly expended for such project, or if for any reason such project shall fail to become a federal aid project, the territorial highway engineer shall certify such fact to the auditor and treasurer of the Territory and to the board of supervisors of any county concerned, and such funds or the unexpended balance thereof, as the case may be, shall, upon such certification, immediately resume the former status thereof, and shall be retransferred to the proper fund, or to the county, as the case may be, to which the same formerly belonged.

181. "Section 9. The territorial highway engineer, as soon as practicable after the first day of December of each year, shall submit to the board of supervisors of each county and to the treasurer of the Territory an estimate of the amount required of such county for the twelve-month period commencing on the first day of January of the following calendar year for the maintenance of roads within such county upon which federal aid funds have been expended. Such amount shall be paid by such county into the treas-

ury of the Territory on or before April first of such calendar year, out of any funds of such county available for the maintenance and repair of public roads and highways; if said amount or any portion thereof shall not be so paid on or before said first day of April, the board of supervisors of such county shall include said amount or the unpaid portion thereof, as the case may be, in the estimate for subdivision (1) of Section 1315 of the Revised Laws of Hawaii 1925, as amended, required by said section to be submitted to the territorial treasurer and the assessor of the taxation division in which such county is included, and the amount of such estimate so submitted to said territorial treasurer and assessor shall be incorporated in the tax rate for such county for such year in the manner provided by said Section 1315, as amended.

"Section 10. The treasurer of the Territory shall place all payments received from any county under the provisions of Section 9 of this Act in a special territorial highway revolving fund for such county, to be expended for maintenance of roads upon which federal aid funds have been expended, in the county from which such payments were received, upon warrants drawn by the auditor of the Territory based upon vouchers approved by the territorial highway engineer. If the amount required of any county for any calendar year, as set forth in the estimate submitted by the territorial highway engineer for such year under Section 9 of this Act, or any portion of such amount, be not paid into the treasury of the Territory on or before April first of such year as by said Section 9 provided, the treasurer of the Territory (whether or not such unpaid amount or portion thereof shall have been incorporated in the estimate of such county for subdivision (1) of Section 1315 of the Revised Laws of Hawaii 1925, as amended, and incorporated in the tax rate for such year, as provided for in said Section 9 of this Act) shall retain, out of the property taxes paid into the treasury of the Territory from such county, an amount equal to such unpaid amount or portion thereof, before any payment of such taxes shall be made to such county, and shall place the amount so retained in the special territorial highway revolving fund for such county hereinabove mentioned.

"Section 11. The maintenance work on said roads shall be performed under the direction and supervision of the territorial highway engineer, either by day labor or by contract, or the territorial highway engineer may have the same performed by the county road department, by day labor or contract, upon authorization of the board of supervisors of the county concerned.

"Section 12. In order to carry out the provisions of this Act, the sum of ten thousand dollars (\$10,000.00) is hereby appropriated.

182

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ated by way of advancement from the general revenues of the territory, which shall be credited by the treasurer in equal amounts to each of the four special territorial highway revolving funds for the maintenance of roads upon which federal aid moneys have been or will be expended. As soon as these revolving funds shall be in receipt of sufficient moneys by virtue of Section 9 hereof, the treasurer shall immediately reimburse the general fund from such revolving funds for the advancement in this section provided for.

"Section 13. The treasurer of the Territory is hereby designated as the proper official of the Territory authorized under its laws to receive public funds of the Territory, and is hereby authorized to receive payments of federal aid funds due or which may become due the Territory from time to time, and shall be so designated by the territorial highway engineer in accordance with the requirements of the Federal Highway Act.

"Section 14. This Act shall be construed in connection with the Federal Highway Act, and shall be liberally construed in order to effectuate its purpose of complying with the requirements of the Federal Highway Act and securing for the Territory the benefits of federal aid for highways.

"Section 15. This Act may be cited as the 'Hawaii Federal Aid Highway Act'."

SECTION 2. All contracts for the expenditure of federal aid moneys in connection with local funds for the construction and/or reconstruction of highways, heretofore entered into by the territorial highway engineer on behalf of the Territory, and all acts of territorial officers performed in connection therewith, are hereby ratified and confirmed.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 54

[S. B. No. 79]

AN ACT TO AMEND ACT 263 OF THE SESSION LAWS OF 1927,
MAKING GENERAL APPROPRIATIONS FOR THE BIENNium
ENDING JUNE 30, 1929.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 263 of the Session Laws of Hawaii 1927, is hereby amended by amending that certain item reading "Dredging Honolulu Harbor 50,000.00", which appears among the items appropriated for the Board of Harbor Commissioners, on page 320 of the printed volume of said Session Laws of 1927, to read as follows:

"Dredging Honolulu Harbor and/or new dredging in Kewalo Basin 50,000.00"

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 55

[H. B. No. 2]

AN ACT TO AUTHORIZE AND PROVIDE FOR THE MANUFACTURE,
MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC
CURRENT FOR LIGHT AND POWER WITHIN THE DISTRICT OF
HAMAKUA, ISLAND AND COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Hilo Electric Light Company, Limited, of Hilo, County of Hawaii, Territory of Hawaii, its associates, successors and assigns, (it or they being hereafter referred to as "the association"), is hereby granted the right, authority and privilege to manufacture, sell, furnish and supply electric light, electric current, or electric power, in the District of Hamakua, on the Island of Hawaii, Territory of Hawaii, for lighting the streets, roads, public and private buildings, or for motive power, or for any other purpose which the association may deem advisable, and from time to time for the term of fifty years, for the purposes herein mentioned, to construct, maintain and operate suitable poles, lines,

wires, cables, lamps, lamp posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said District of Hamakua, and to connect the said wires, lines and conductors with any manufactory, private or public buildings, lamps, lamp posts, or other structure or object and the place of source or supply.

SECTION 2. Rules and regulations. That the Board of Supervisors of the County of Hawaii is hereby authorized to make and from time to time change, amend, or add to reasonable rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary or proper for the public safety and welfare. If, at any time, the association, after reasonable notice given to it in writing, shall fail to observe or execute the rules and regulations hereinabove provided for relative to the placing of poles and wires, the insulation of wires and apparatus carrying electric current, and the repair of all poles and appliances, the Board of Supervisors of the County of Hawaii, after giving the association reasonable notice thereof in writing of its intention so to do, may proceed to enforce such rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus, and make such repairs as may be necessary to enforce such rules, and the actual cost thereof may be recovered from the association by the County of Hawaii.

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SECTION 3. Poles not to interfere with streets. That all poles, lines, wires, cables, lamps, lamp posts, conductors, conduits and other apparatus constructed, maintained, or operated under, along, upon or over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said District of Hamakua, shall be so constructed and maintained and operated by the association as not to interfere unnecessarily with the use of such streets, sidewalks, roads, squares, bridges, alleys and lanes by the public.

SECTION 4. Plant subject to inspection. That the entire plant, corporation books and accounts of the association shall at all times be subject to the inspection of the public utilities commission of the Territory of Hawaii and the treasurer of the County of Hawaii.

SECTION 5. Meters, charges, reasonableness, how determined. That the association shall have the right to maintain, operate, and

use electric meters or other means of measuring electric light, power, or current supply from time to time and to locate the same at such places as may be deemed necessary for determining the current supplied or to be supplied by the association. That the association shall have the right to charge, receive and collect from all consumers of electricity such reasonable prices as may, from time to time, be fixed and determined by the association, but such charge shall not at any time exceed such rate or rates as may be fixed from time to time by the public utilities commission of the Territory of Hawaii; provided, however, that the association shall have the right to charge, receive and collect, from each consumer of electricity, a minimum rate which shall be established by the public utilities commission without regard to the amount of power consumed; and provided, further, that should electricity be required of said association by the Territory of Hawaii, or the County of Hawaii, or any successor of either, or of any political subdivision thereof, for public purposes, said association shall charge therefor such rates as shall be fixed by the public utilities commission; and provided, further, that this franchise and the association holding the same shall be subject, as to reasonableness of rates, prices, charges, and in all other respects, to the provisions of Chapter 132 of the Revised Laws of Hawaii 1925, creating a public utilities commission in said Territory; reserving, however, to said association the right to appeal to the Supreme Court of Hawaii from every order of said commission as provided in said chapter.

SECTION 6. Extensions of lines. The public utilities commission of the Territory of Hawaii is hereby granted the power to order said association, its successors or assigns, to make extensions of its service lines whenever it shall be made to appear that said extension is a public necessity and that the total plant of said association, including such extension or extensions, can be made to earn a reasonable profit on the cost and maintenance of same; provided that all orders of the public utilities commission herein provided for shall be subject to review by the courts of the Territory as provided by law.

SECTION 7. Charges for making connections. That the association shall have the right to charge consumers or applicants for the use of electricity for one-half of the cost and expense of making connections between the nearest line of supply and the premises where the electricity is to be used, such cost and expense to include the price of all wires, poles, insulators and other materials and labor necessary to be used in making such connections, the reasonableness of such charges upon the application of any party in interest to be subject to the approval of the public utilities commission; provided, however, that the association shall not be re-

quired to make, construct and maintain said connections as aforesaid for supplying light or power, unless the applicant or applicants for such light and power, if required, shall deposit in advance, with the association, a sum of money sufficient to pay one-half of the cost and expenses of making and constructing such connections and for current for a period of one month in advance.

That the association shall not be required to extend, construct or maintain its main lines beyond a distance of three hundred feet, unless there be an applicant for each three hundred feet of extension, or fraction thereof, and unless such applicant shall, in addition to the other requirements in this Act provided, agree to take, install and maintain five forty-watt lamps or one-horse power of power apparatus for not less than one year.

SECTION 8. Rights to acquire property, limits to. That the said association shall have the right to acquire, hold or take over, either by purchase or lease, property, both real, personal or mixed, and such other property as may be deemed necessary or essential for the proper conduct of its business, but said association shall not have the power or right to purchase the franchise and/or property of any other company of like nature, except with the approval of the public utilities commission.

SECTION 9. Power to borrow money and bonds. That the said association, whenever from time to time it shall be deemed expedient in the furtherance of the objects of the association, shall have the power to borrow money and secure the payment thereof, with interest agreed upon, by mortgage of all or any part of its property and the franchise and privilege granted and obtained by virtue of this Act; or, if it be deemed advisable, bonds may be issued, secured by deed of trust of such property as aforesaid, not to exceed sixty per centum of the actual value thereof, together with all future acquired property, as well as the income and receipts of the property from whatever sources derived, and in such form and under such terms as said association may deem advisable; provided that nothing in this section contained shall operate to prevent said association from obtaining the usual business credits or making promissory notes without security; and provided, further, that the association shall not issue stock in excess of the amount paid to it in cash, or shall issue bonds at less than ninety per centum of their par value; and the entire proceeds of its stock and bonds shall be applied to capital expenditures. No member of the association, or any assignee or successor of the same, and no stockholder or officer thereof shall become interested, directly or indirectly, in any contract made by the association, its assignee or successor, in the construction of any part of the works.

SECTION 10. Franchise not exclusive. That it is hereby expressly provided that nothing herein contained shall be construed to grant to the association an exclusive right to furnish, sell or supply electric current for light and power, and said association and the franchise, rights and privileges granted hereby shall be subject in all respects to such laws establishing a public utilities commission or any amendments thereof, and such other laws of a general nature as may be applicable from time to time to electric light and power plants or the companies operating them in the Territory of Hawaii, or the County of Hawaii, or its successor.

SECTION 11. Forfeiture of franchise. That if said association, its representatives, successors and assigns, shall fail or refuse to do or perform or comply with any of the provisions of this Act or of the laws of the Territory of Hawaii, and continues to refuse or fail to perform or comply therewith after reasonable notice given by the public utilities commission of the Territory of Hawaii to comply therewith, said public utilities commission may, with the consent of the Governor, and of the Attorney General, cause proceedings to be instituted before any appropriate tribunal to have the franchise hereby granted and all rights and privileges accruing hereunder forfeited and declared null and void. And in case of a forfeiture of this franchise, the Territory of Hawaii and County of Hawaii, or any political subdivision thereof, shall have the right to purchase all the property of the association within the said District of Hamakua, at the value thereof, such value to be determined as hereinafter provided; provided, that notice of such desire and intention to purchase is given to the association by the Territory of Hawaii, or the County of Hawaii, or any political subdivision thereof, within sixty days after the forfeiture of this franchise.

SECTION 12. Rules to enforce rates. That the association shall have the right to enforce rates by discontinuing or cutting off the supply of electricity to any consumer who shall refuse to pay the amount due for electricity supplied by said association within such reasonable time as said association may, by general rules, fix for the payment of amounts due, and such discontinuance of service or supply of electricity shall not be a bar to or prejudice the rights of the association in any remedy or remedies now or which may hereafter be authorized by law for the recovery and collection of the amount due.

SECTION 13. Annual statement, payment to government. That the association shall, within one month after the expiration of each calendar year, file with the treasurer of the County of Hawaii, a detailed statement showing all of its receipts and expenditures dur-

ing the preceding calendar year, and shall, at the time, pay to the treasurer of the said County of Hawaii, for and on behalf of said County, two and one-half per centum of the gross receipts of the association from all electric light or power furnished to consumers during the preceding year; and all its books, papers, records and accounts shall at all reasonable times be open to inspection by the treasurer of said County, and his respective agents appointed for such purpose.

SECTION 14. Exemption from taxation. That all property of every kind and nature forming or used as part of such electric system, including this franchise, shall be exempt, except as provided in Section 13, from any and all taxes under the Territory of Hawaii until the expiration of five years from and after the date of approval of this Act by the Congress of the United States.

SECTION 15. Time of commencing work. That the rights hereafter granted shall cease and determine if operations hereunder are not commenced by beginning the construction of buildings or other works for manufacturing, transmitting or supplying electric current for light and power, or by placing poles and wiring the same, or constructing conduits and laying wires therein, in any of the streets, roads or other places in said district, for the purpose of conducting electric current for light and power, within two years from and after the date of the approval of this Act by the Congress of the United States; and also if sufficient works are not completed and in operation to supply electric current for light and power, or if electric current for light and power be not supplied within two years after such commencement.

SECTION 16. Amendment and repeal of franchise. This franchise may, at any time, be amended or repealed by the Congress of the United States, or by the Legislature of the Territory of Hawaii, with the approval of the Congress of the United States.

SECTION 17. Issue and sale of stock. The association may, with the approval of and under the rules and regulations prescribed by the commission, increase its capital stock for capital expenditures by the issuance and sale of new common stock at a price not less than par; provided, however, that bonds or notes, the proceeds of which have been used for capital expenditures, may be redeemed by capital stock of the association, as approved by the commission, at par to the amount of the proceeds received by the association from the sale of such bonds or notes.

SECTION 18. Purchase of all property of association. That the Territory of Hawaii, the County of Hawaii, or any political subdivision thereof may, at any time after the expiration of twenty

years from the date of the passage of this Act by the Congress of the United States, and upon six months' notice to the association in writing, given pursuant to proper authority, when so authorized by the legislature of the Territory of Hawaii, acquire by purchase all of the property of the association, subject to the then existing charges thereon.

The amount to be paid to the association for such purchase shall be determined by the public utilities commission; but such amount shall in no case exceed the actual cost or the actual value of the tangible property or the actual cost of reproducing or replacing it, less depreciation and less the charges thereon. The value of the franchise or good will, or any other intangible element shall not be considered in determining the amount to be paid.

Either the association or the purchaser may appeal to the Supreme Court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the Supreme Court the record of its proceedings, showing in such certificate the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents and evidence, and transcript of testimony upon which the decision of the commission was based, and a copy of such decision. Upon any such appeal, the Supreme Court may, in its behalf, take or require or permit further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid, the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance; but said association shall make all such further conveyances as may be desired by the purchaser and approved by said commission or said court on appeal.

SECTION 19. Power of commission. The commission is hereby vested with power and jurisdiction by order to regulate, fix and change all rates, charges, classifications, rules and practices made, charged or observed by the company or association, the manner in which all property of the association is operated with reference to the safety or accommodation of the public, its form and method of keeping accounts, books and records, and its accounting system, the return upon its property, the incurring of indebtedness and the disposition of its proceeds and income, and to regulate all of its financial transactions, its business relations with other persons, companies, or corporations, its compliance with all applicable territorial and federal laws and with the provisions of its franchise

and articles of association, its classifications, rules, regulations, practices and service and all matters of every nature affecting the relations and transactions between it and the public and persons or corporations, and to do all things whether herein specifically designated or in addition thereto which are necessary and in the exercise of such power and jurisdiction, all of which as so ordered, regulated, fixed and changed shall be just and reasonable and such as shall provide a fair return on the property of the association actually used for public utility purposes, and such orders may be made after a hearing upon its own motion or upon complaint.

This section shall not be held or construed to be a limitation upon any power of the public utilities commission of the Territory of Hawaii under Chapter 132 of the Revised Laws of Hawaii 1925, creating a public utilities commission, or any amendments thereto or any laws relating to public utilities within the Territory of Hawaii.

SECTION 20. This Act shall take effect and be law from and after the date of its approval by the Governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, such approval of Congress to be secured within four years from the date of such approval by the Governor.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 56

[S. B. No. 36]

AN ACT TO AMEND SECTIONS 1608 AND 1609 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO ELECTION AND TERM OF OFFICE OF COUNTY OFFICERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1608 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1608. Time of Election and Taking Office. All general elections of officers of the counties of Hawaii, Maui and Kauai shall be held on the Tuesday next after the first Monday of November in the year 1930, and every second year thereafter, and such officers shall take office at twelve o'clock Meridian on the sec-

ond day of the month of January following their election, unless such day be a Sunday, in which case they shall take office on the third day of such month. The officers of said counties elected shall hold office until their successors shall be elected and qualified.

The expenses of such elections shall be paid by the respective counties in which they are held."

SECTION 2. Section 1609 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1609. Tenure of Office. All county officers, except as herein provided, shall hold office for two (2) years and until their successors are elected and qualified; provided, however, that the present elected officers of the Counties of Hawaii, Maui and Kauai shall hold office until January 2, 1931, and until their successors are elected and qualified."

SECTION 3. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 57

[S. B. No. 44]

AN ACT PROVIDING FOR AN APPRAISAL OF ALL THE TAXABLE PROPERTY IN THE TERRITORY OF HAWAII AND AN ECONOMIC STUDY OF THE TAX LAWS, CREATING A TAX BOARD, PROVIDING FOR EXPERTS, ASSISTANTS AND CLERKS FOR SUCH BOARD, AND MAKING AN APPROPRIATION THEREFOR, AND CREATING ADVISORY TAX APPRAISAL BOARDS.

Be it Enacted by the Legislature of the Territory of Hawaii: ^{L/31, 26} *See A 76/*

SECTION 1. Tax Board. There is hereby created a board to be known as the Tax Board of the Territory of Hawaii, to consist of seven members, whose duty it shall be to make an appraisement of all properties subject to taxation, and to make an economic study of the proper equitable distribution of the tax burden and of all matters relating to all forms of taxation in the Territory of Hawaii. The members of said board shall be appointed and removable by the governor as provided in Section 80 of the Organic Act. The members shall serve without pay for a term ending April 30, 1931, and shall make a full and written report of its findings and recommendations including recommendations as to desirable legis-

lation, to the governor on or before January 31, 1931. One of the members shall be designated by the governor as chairman and the board shall elect one of its members as its secretary. Vacancies occurring on the board from any cause shall be filled by appointment by the governor in the same manner as original appointments.

As soon as practicable after such appointment, the board shall proceed and continue to gather all available information and data of a character useful for the purpose aforesaid, and shall make said appraisalment as of January 1, 1930. Printed copies of said appraisalment shall be furnished to the treasurer of the Territory, to the assessors of the several taxation divisions, and to the territorial and divisional boards of equalization.

The board may adopt such rules and regulations as it may consider necessary and advisable for the governing of its employees and the carrying on of the work to be done by it. The board may establish any necessary office or offices and employ such experts, assistants, clerks and other employees as in its judgment are necessary and advisable, and fix their compensation. The board may enter into contracts with experts for their services and in such event shall in no way be restricted by or subject to the provisions of Sections 1477 and 1478 of the Revised Laws of Hawaii 1925, as amended, nor by any territorial statute now existing or later enacted relating to the citizenship or residence of territorial employees. It shall be the duty of the assessors and deputy assessors of the several taxation divisions to cooperate with the tax board and to make available to it the records in their offices.

Upon the completion of said appraisalment, the records of the board applicable to the property in each taxation division shall be delivered to the assessor of the division in which such property is situated. It shall be the duty of such assessor to safely keep said records and from time to time to bring them down to date. Such records shall at all times be open to public inspection.

167 SECTION 2. Advisory tax appraisal boards. There shall be an advisory tax appraisal board for each taxation division to consist of nine members, residing in such division. All members shall be appointed for a term ending April 30, 1931, and shall be appointed and removable by the governor, as provided in Section 80 of the Organic Act, and shall serve without pay. Vacancies on the boards occurring from any cause shall be filled by appointment by the governor in the same manner as original appointments. One of the members of each advisory board shall be designated as its chairman. The advisory boards shall advise with the board of the Territory and its experts in regard to appraisals made in their respective divisions.

SECTION 3. Appraisal, how made. In making such appraisal, the tax board of the Territory of Hawaii shall place such values upon all property as in the opinion of the board will be a fair and equitable valuation for taxation purposes. Provided, that in each and every case where, in the opinion of the tax board, a fair and equitable value for taxation is different from a value which would be arrived at under the provisions of Chapter 102 of the Revised Laws of Hawaii 1925, then the said board shall report the facts to the next succeeding legislature with recommendations as to changes in the law which, in the opinion of the board, are necessary to permit a valuation for taxation purposes which would be fair and equitable to all concerned.

SECTION 4. Appropriation. There is hereby appropriated, out of the funds of the Territory, not otherwise appropriated, the sum of two hundred fifty thousand dollars (\$250,000.00) for the purposes of this Act. The tax board of the Territory of Hawaii shall have charge and control of all expenditures to be made from said appropriation. Said appropriation shall be considered an advance to be repaid as herein provided. The said tax board shall cause an accurate record to be kept of the cost of appraisal in each taxation division, and apportion to each taxation division, such a proportion of the general expenses of the board as shall correspond to the proportion which the appraisements of property in such division shall bear to the total of all appraisements in the Territory, and shall certify the same to the treasurer of the Territory. The treasurer shall increase the next tax rate for each taxation division by such rate per cent as will raise an amount equal to the total amount so certified by the board as representing the cost of the appraisal made in such division, which amount when collected shall be paid into the treasury of the Territory to reimburse it for the said advancement. The appropriation made herein shall lapse April 30, 1931. 26

SECTION 5. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1929 .

Governor of the Territory of Hawaii.
W. R. FARRINGTON,

ACT 58

[H. B. No. 2301]

AN ACT TO AMEND SECTION 2542 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO COSTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2542 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new paragraph after the second paragraph, under the heading of "Schedule", to read as follows:

"For a copy of any summons, petition, or other process, one dollar and fifty cents."
and by deleting the fourth paragraph under the heading "High Sheriff's or sheriff's fees".

SECTION 2. This Act shall take effect upon its approval.

Approved this 20th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 59

[H. B. No. 274]

AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION AND MAINTENANCE OF A COUNTY FAIR BUILDING AT HOOLULU PARK, WAIAKEA-KAI, COUNTY OF HAWAII, AND FOR FILLING AND LEVELLING SAID PARK, AND REPEALING ACT 242 OF THE SESSION LAWS OF HAWAII, 1921.

Be it Enacted by the Legislature of the Territory of Hawaii:

443 SECTION 1. The sum of twenty-five thousand dollars (\$25,000.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the following purposes:

- (a) For the construction and maintenance of a County Fair building upon the land set aside for public park and playground at Waiakea-kai, South Hilo, County of Hawaii, known as Hoolulu Park\$ 20,000.00
- (b) For filling and levelling said Hoolulu Park..... 5,000.00

SECTION 2. (a) The appropriation of twenty thousand dollars (\$20,000.00) for the purposes set forth under subdivision "(a)" of Section 1 shall be available only when a like sum of twenty

thousand dollars (\$20,000.00) shall be raised for the purposes therein stated from public or private subscriptions within the County of Hawaii.

(b) The appropriation of five thousand dollars (\$5,000.00) for the purposes set forth under subdivision "(b)" of Section 1 shall be available only when a like sum of five thousand dollars (\$5,000.00) shall be appropriated and/or raised by the County of Hawaii for the said purposes.

SECTION 3. The said County Fair Building shall be constructed upon plans and specifications approved by the superintendent of public works of the Territory of Hawaii.

SECTION 4. The expenditure of the appropriations provided by this Act shall be made by the Board of Supervisors of the County of Hawaii.

SECTION 5. Act 242 of the Session Laws of Hawaii 1921, is hereby repealed.

SECTION 6. This Act shall take effect upon its approval.

Approved this 20th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 60

[S. B. No. 23]

AN ACT AMENDING SECTION 766, REVISED LAWS OF HAWAII 1925, RELATING TO THE USE OF NETS AND OTHER CONTRIVANCES IN THE CATCHING OF FISH.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The first paragraph of Section 766, Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"No person shall take, catch or kill any fish fit for food living in the waters of any sea, harbor, bay, inlet or stream within or adjacent to those islands within the jurisdiction of the Territory of Hawaii, including and lying between the islands of Hawaii on the South, and the island of Kauai on the North, by means of any net, seine, trap or other contrivance of whatsoever kind or description having a smaller mesh or opening than two inches stretched or one inch square, or by means of any wire fence, wire net or wire obstruction of any size, material or description whatsoever."

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 61

[S. B. No. 42]

AN ACT TO AMEND CHAPTER 191 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO BANKING CORPORATIONS, BY AMENDING SECTION 3398 THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3398 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

248 "Sec. 3398. Loans to Directors. The directors of any corporation formed under this chapter shall at no time be allowed to be collectively indebted or liable to the corporation, either as principal debtors or as sureties, or both, to an amount greater than three-fifths of the capital stock actually paid in and surplus remaining and undiminished by losses or otherwise."

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 62

[S. B. No. 22]

AN ACT TO AMEND SECTION 2630 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 204 OF THE SESSION LAWS OF HAWAII 1927, RELATING TO CONFESSIONS AND THEIR ADMISSIBILITY AS EVIDENCE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2630 of the Revised Laws of Hawaii 1925, as amended by Act 204 of the Session Laws of Hawaii 1927, is hereby amended to read as follows:

"Sec. 2630. Confessions. No confession shall be received in evidence unless it shall first be made to appear to the judge before whom the case is being tried that such confession was in fact voluntarily made and such voluntary confession, when offered in evidence on any trial, shall not be rejected merely because it was made on oath."

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 63

[S. B. No. 28]

AN ACT MAKING AN APPROPRIATION FOR THE GRADING AND IMPROVEMENT OF THE GROUNDS, INSTALLATION OF ELECTRIC LIGHT FIXTURES, INCLUDING POLE LINE, AND NECESSARY EQUIPMENT, FOR THE PUBLIC LIBRARY AT KAPAAU, NORTH KOHALA, HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of two thousand dollars (\$2,000.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, for the grading and improvement of the grounds, installation of electric light fixtures, including pole line, and for necessary equipment for the Public Library at Kapaaau, North Kohala, Hawaii.

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 64

[S. B. No. 78]

AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF ROADS, WALKS, GRADING AND FENCES AT THE NEW TERRITORIAL HOSPITAL FOR THE INSANE, AT KANEOHE, CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of twenty-five thousand dollars (\$25,000.00) is hereby appropriated, by way of advancement, out of any funds in the treasury of the Territory of Hawaii, not otherwise appropriated, for the construction of roads, walks, grading and fences at the new Territorial Hospital for the Insane at Kaneohe, City and County of Honolulu, Territory of Hawaii.

SECTION 2. The said moneys hereby appropriated, or so much thereof as may be necessary, shall be disbursed upon warrants drawn by the Auditor of the Territory, based upon vouchers approved by the Superintendent of Public Works.

SECTION 3. The said moneys hereby appropriated, or so much thereof as may be expended, shall be repaid into the General Fund of the Territory out of the proceeds of any bonds which may be issued for that purpose in case such issue be authorized under any Loan Fund Act, or if no such issue of bonds be authorized for said purpose, then from the interest accruing from the proceeds of any bonds which may be, or have been, sold for territorial purposes.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 22nd day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 65

[S. B. No. 137]

AN ACT TO AMEND SECTION 1325 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO PROPERTY EXEMPT FROM TAXATION, BY ADDING A NEW PARAGRAPH THERETO.

Be it Enacted by the Legislature of the Territory of Hawaii:

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128 SECTION 1. Section 1325 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by adding a new paragraph thereto, to read as follows:

"The property belonging to the Estate of Daniel Paul Rice Isenberg, deceased, known as the 'Isenberg Memorial Lot' and situated at Lihue, Kauai, at the corner of the government road and Hotel Road and containing an area of 0.3 acres, shall be exempt from taxation."

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 66

[S. B. No. 107]

AN ACT TO AMEND SECTION 199 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO CERTIFICATES OF HAWAIIAN BIRTH.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 199 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 199. Fees. Fees shall be charged in connection with the issuance of such certificates as follows: For the filing of each application for a certificate a fee of Three Dollars (\$3.00); for certified copies of such certificates a fee of One Dollar (\$1.00) for each such certificate, and a charge of Fifty Cents (50c) for each one hundred words contained in such certificate."

Am A 206

SECTION 2. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 67

[H. B. No. 234]

AN ACT TO AMEND SECTION 3390 OF THE REVISED LAWS OF HAWAII 1925, REGARDING PUBLICATION OF CERTIFICATE FOR BUSINESS OF BANKING.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3390 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 3390. Examination by, and certificate of treasurer; publication. The treasurer shall examine into the condition of each corporation formed under this chapter and ascertain the amount of money paid in on account of its capital, the name and place of residence of each director and the amount of capital stock which each director owns in good faith, and generally whether the corporation has complied with the provisions of this chapter to entitle it to engage in the business of banking, and if it satisfactorily appears to the treasurer that the corporation is law-

fully entitled to commence the business of banking he shall deliver to the corporation a certificate stating that the corporation has complied with the provisions required to be complied with before commencing the business of banking, and that the corporation is authorized to commence business; and the certificate shall be published in a newspaper published in the City of Honolulu twice in each of three successive weeks after the issuing thereof and shall be conclusive evidence as to the fact of the corporation having complied with the requirements of this chapter up to the date of the certificate."

SECTION 2. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 68

[H. B. No. 240]

AN ACT TO AMEND SUBSECTION 10 OF SECTION 6 OF ACT 55 OF THE SESSION LAWS OF 1925, RELATING TO THE TERRITORIAL RETIREMENT SYSTEM, BY EXTENDING CERTAIN BENEFITS THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Subsection 10 of Section 6 of Act 55 of the Session Laws of 1925, is hereby amended by adding thereto the following:

"The provisions of this subsection shall not apply to a member absent from service less than five years within any period of six consecutive years, unless he shall make application for the return of his accumulated contributions herein referred to, or he ceases to be an employee through death or retirement."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 69

[H. B. No. 241]

AN ACT TO AMEND SECTION 414 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE AQUARIUM AND MARINE LABORATORY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 414 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 414. Admission fee. The board of regents may charge the public for admission to said aquarium a fee not to exceed twenty-five cents for adults, and ten cents for children, provided, however, that school children shall be admitted free, if accompanied by a teacher, one day of each and every week, said day to be set by the director of the aquarium."

SECTION 2. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 70

[H. B. No. 257]

AN ACT TO AMEND SECTION 3366 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO CORPORATION ANNUAL EXHIBITS, BY CHANGING THE NATURE AND AMOUNT OF PENALTY IN RESPECT THERETO.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3366 of Chapter 189 of the Revised Laws of Hawaii 1925; is hereby amended by deleting therefrom the last sentence thereof reading as follows:

"Any corporation. violating any provision of this section shall be guilty of a misdemeanor and upon conviction thereof be fined in the sum of not less than one hundred dollars nor more than one thousand dollars; a continuance of a failure to file the required report shall be a separate offense for each thirty days of the continuance."

and inserting in lieu thereof the following:

"Any corporation violating or neglecting or failing in any particular to conform to or comply with any of the provisions of this section shall forfeit to the territory one hundred dollars for every such violation, neglect or failure, to be recovered by action brought in the name of the territory by the treasurer; a continuance of a failure to file the required report shall be a separate offense for each thirty days of the continuance."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 71

[S. B. No. 81]

AN ACT TO PROVIDE FOR THE REHABILITATION OF THE CAPITOL BUILDING, AND PROVIDING AVAILABLE FUNDS THEREFOR BY TRANSFERRING ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) FROM THE FARM LOAN RESERVE FUND AND THE FARM LOAN REVOLVING FUND.

31, P 41

2.12/33 Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Superintendent of Public Works of the Territory of Hawaii is hereby directed and authorized, immediately, to institute a program for the rehabilitation of the Capitol Building situated at Honolulu. All powers necessary for the successful furtherance and completion of such work are hereby conferred upon him, and any and all provisions of Chapter 107 of the Revised Laws of Hawaii 1925, as amended, and/or of any other law imposing restrictions upon the expenditures of public moneys by contract or otherwise, are hereby declared inoperative in so far as the same may relate to the project here provided for, excepting, however, such provisions as require expenditures of public moneys to be properly made for the specific public project for which the same are appropriated.

SECTION 2. There is hereby transferred the sum of one hundred fifty thousand dollars (\$150,000.00) out of the Farm Loan Reserve Fund and the Farm Loan Revolving Fund, provided for by Sections 652 and 653, respectively, of the Revised Laws of Hawaii 1925, and the following entitled items thereof in the following enumerated amounts:

RESERVE FUND

Reserve for Losses	\$ 7,500.00
Capital	45,000.00
Surplus	72,500.00

REVOLVING FUND

Surplus (Interest on Deposits)	25,000.00
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\$150,000.00

to a special fund hereby created, to be known as the "Capitol Building Rehabilitation Special Fund", which moneys are hereby appropriated for the purposes of this Act, to be expended upon special vouchers approved by the Superintendent of Public Works. Any surplus remaining in such fund after completion of the project here provided for and not further required therefor, shall be transferred to the Farm Loan Revolving Fund.

SECTION 3. The intent of this Act, in so far as possible with the funds hereby appropriated, is to restore the Capitol Building to its previous sound physical and structural condition, eradicate present and prevent future destruction by termites and any other material destroying instrumentality, and rehabilitate such building, and this Act shall be construed to effectuate the same accordingly in as expeditious a manner as possible, free from any restrictions requiring the letting of contracts therefor upon public notice and competitive bidding.

SECTION 4. The Treasurer and the Auditor of the Territory are hereby directed in all respects to comply with the provisions of this Act.

SECTION 5. This Act shall take effect from and after the date of its approval.

I hereby certify that the foregoing Bill, having been presented to the Governor for his approval and signature, and not having been signed or vetoed within the time prescribed by the Organic Act of the Territory, has become law without his signature on April 25, 1929.

RAYMOND C. BROWN,
Secretary of the Territory of Hawaii.

ACT 72

[S. B. No. 30]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO MAKE AN APPROPRIATION TO REIMBURSE UNION MILL COMPANY, ANTONE PAVAO, DR. L. L. SEXTON, JOSEPH ORNELLAS, JOHN GABELER, PETER A. LEE AND VOLCANO STABLES & TRANSPORTATION COMPANY, LTD., FOR TAXES ILLEGALLY COLLECTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the County of Hawaii is hereby authorized and directed to pay to the following named persons the amounts set opposite their names, for the purpose of reimbursing them for taxes illegally collected:

Union Mill Company	\$4,777.36
Antone Pavao	22.38
Dr. L. L. Sexton.....	25.00
Joseph Ornellas	18.97
John Gabeler	12.63
Peter A. Lee.....	6.72
Volcano Stables & Transportation Company, Ltd.	100.00

SECTION 2. The amounts above specified shall be paid on warrants issued by the Auditor of the County of Hawaii, based upon vouchers approved by the Tax Assessor of the Third Taxation Division.

SECTION 3. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1929.

W. R. FARRINGTON.
Governor of the Territory of Hawaii.

Act 73

[S. B. No. 37]

AN ACT TO AMEND CHAPTER 129 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTIONS 2150, 2152, 2154, 2159 AND 2160 THEREOF AND BY ADDING A NEW SECTION THERETO, TO BE KNOWN AS SECTION 2154-A, RELATING TO WEIGHTS AND MEASURES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2150 of the Revised Laws of Hawaii 1925, is hereby amended so as to read as follows:

"Sec. 2150. Standards; tests. It shall be the duty of the sheriff to procure and keep a standard set of scales, beams, weights and measures; and he shall, semi-annually, or oftener in his discretion, cause all scales, beams, weighing machines, measures—liquid or dry,—devices and appliances used in the ascertainment of weight or of measure, used by any person, firm or corporation in the buying or selling or the transportation, or the receiving for shipment, or in the ascertainment of weight or measure, of goods, wares, merchandise, liquids, fruits, vegetables or any other commodity, to be tested by such standard scales, beams, weights and measures, and whenever such scales, beams, weighing machines, measures, devices or appliances shall be found to correspond to such standard scales, beams, weights and measures in his possession, he shall cause to be sealed or marked, under his name, each scale, beam, weighing machine, measure, device or appliance with an appropriate device showing that such scale, beam, weighing machine, measure, device or appliance is correct, and the date of the inspection, which device shall be placed so as to be easily seen."

SECTION 2. Section 2152 of the Revised Laws of Hawaii 1925, is hereby amended so as to read as follows:

"Sec. 2152. Incorrect weights and measures. The sheriff shall condemn and seize, and may destroy any incorrect scale, beam, weighing machine, measure, device or appliance which in his best judgment is not susceptible of repair; but any scale, beam, weighing machine, measure, device or appliance which shall be found to be incorrect, but which in his best judgment is susceptible of repair, he shall cause to be marked with a tag or other suitable device with the words 'out of order'. The owner or user of any scale, beam, weighing machine, measure, device or appliance, which has been marked 'out of order' as herein provided, may have the same repaired or corrected within thirty days, but until the same has been repaired or corrected and tested as herein provided, the owner or user thereof may neither use nor dispose of the same in any way, but shall hold the same at the disposal of the sheriff."

When the same has been repaired or corrected, the owner or user thereof shall notify the sheriff who shall again cause such scale, beam, weighing machine, measure, device or appliance, which had been found incorrect and marked as herein provided, to be tested, and until such scale, beam, weighing machine, measure, device or appliance has been retested as hereinbefore provided and found correct, the same shall not be used or in any way disposed of by the owner or user. When any such scale, beam, weighing machine, measure, device or appliance has been repaired or corrected and has been retested and found correct, the sheriff shall cause the tag or device with the words 'out of order' to be removed therefrom, and shall seal or mark such scale, beam, weighing machine, measure, device or appliance in the manner provided for the marking of the same where, upon inspection, it is found correct."

SECTION 3. Section 2154 of the Revised Laws of Hawaii 1925, is hereby amended so as to read as follows:

"Sec. 2154. Tolerance or errors permissible in excess or deficiency. The following shall be tolerance or permissible error, either in excess or deficiency:

EVEN BALANCE OR EQUAL ARM SCALES:

Load	Tolerance on parts requiring employment of removable weights	Tolerance on beam or reading face	Sensibility reciprocal
Pounds	Ounces	Ounces	Ounces
1	1/16	1/16	1/8
2	1/16	1/8	1/8
4 to 6	1/8	3/16	1/4
8 to 12	1/4	3/8	1/2
15 to 20	5/16	1/2	3/4
24 to 30	3/8	5/8	1
40	7/16	5/8	1-1/4
50	1/2	3/4	1-1/2

"The manufacturers' tolerance on new scales shall not be greater than one-half the values given.

"The term 'sensibility reciprocal' shall mean the weight required on the pan, plate or platform to cause it to move from its position of equilibrium when the scale is in balance, to a position of equilibrium at the limit of its motion.

UNEQUAL ARM OR MULTIPLE LEVER
COUNTER SCALES USING RATIO WEIGHTS:

"The tolerance on beam or reading face shall be the same as for equal arm scales.

Pounds	On ratio
50	1/2 ounce
100	1 "
200	2 ounces
300	3 "
400	4 "
500	5 "
600	6 "

"The sensibility reciprocal shall not exceed that of equal arm scales.

PLATFORM SCALES:

"Class A shall include all portable platform scales and dormant type scales where installed inside of a building having side walls and roof.

"Class B shall include wagon scales, motor truck scales, railroad scales and also dormant type scales not inside of building.

"Tolerances. Manufacturers' tolerance on new scales shall not be greater than one-half the following:

<u>Load</u>	<u>Tolerance,</u>	<u>Class A</u>	<u>Tolerance,</u>	<u>Class B</u>
<u>Pounds</u>	<u>on ratio</u>	<u>on beam</u>	<u>on ratio</u>	<u>on beam</u>
	<u>Ounces</u>	<u>Ounces</u>	<u>Ounces</u>	<u>Pounds</u>
50	1/2	1		
100	1	2		
200	2	4		
300	3	6		
400	4	8		
500	5	10	10	1-1/4
600	6	12	12	1-1/2
800	8	1 pound	1 pound	2 pounds
1000	8	1 "	1 "	2 "
2000	1 pound	2 pounds	2 pounds	4 "
4000			4 "	8 "
10000			10 "	20 "
20000			20 "	40 "
30000			30 "	60 "

"The sensibility reciprocal on all platform scales, except counter scales, shall not be greater than two minimum graduations on the beam, and on new scales not greater than one-half that amount.

SPRING SCALES:

"The term 'spring scale' shall mean a scale in which the weight indications depend on the change of shape or of dimensions of an elastic body or system of bodies; provided, however, that scales in which metallic bands or strips are employed for the primary purpose of fulfilling the functions of knife edges and bearings shall not be considered within the meaning of this definition.

"Tolerances. The tolerance allowable on all spring scales shall not be greater than one-fourth of one minimum graduation on the reading face or dial; provided, that the manufacturers' tolerance on new scales shall not be greater than one-half of the values given.

COMPUTING SCALES:

"The tolerance on all computing scales shall be no greater than one-fourth of one minimum graduation at any point on the dial or reading face; provided, that the manufacturers' tolerance on new computing scales shall not be greater than one-eighth of such minimum graduation.

AUTOMATIC OR DIAL SCALES OTHER THAN
SPRING SCALES OR COMPUTING SCALES:

"The tolerance on automatic or dial scales, other than spring scales or computing scales, shall be one-fourth of one minimum graduation up to the first half of the capacity of the dial and one-half of one graduation thereafter and to the full capacity of the scale.

"All liquid or dry measures shall be in accordance with standard."

SECTION 4. Chapter 129 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section thereto, to be known as Section 2154-A, to read as follows:

"Sec. 2154-A. Method of testing scales. The method of testing scales under this chapter shall be as follows:

"All counter scales, spring scales and computing scales shall be tested to their full capacity, and at half capacity at each point of the platform bearing. Portable scales of five hundred to a thousand pound capacity must be tested to one-fourth their capacity and at each point of bearing of the platform. Larger portable and dormant type scales must be tested to five hundred pounds and at each point of bearing of the platform. Wagon and motor truck scales must be tested with one thousand pounds, and, where possible, with a load approximating one-fourth the scale capacity as a dead load and a thousand pound test thereafter. The thousand pound test must be applied at the point of each bearing of the platform. Test for railroad track scales of fifty tons capacity or

over, shall be not less than ten thousand pounds or not greater than their rated sectional capacity, and shall be applied at each point of bearing of the platform."

SECTION 5. Section 2159 of the Revised Laws of Hawaii 1925, is hereby amended so as to read as follows:

"Sec. 2159. Unlawful use of weights and measures; penalty. If any person shall, for any of the purposes mentioned in Section 2150, use or cause to be used any weighing or measuring machine or appliance as mentioned in, or necessarily included within the meaning of this chapter, and which weighing or measuring machine or appliance has not been duly sealed or marked, or which weighing or measuring machine or appliance has been marked 'out of order' and has not been retested and found correct as provided in this chapter, he shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars, and the court may, in its discretion, order the confiscation and destruction of such weighing or measuring machine or appliance.

"Any person who shall be injured or defrauded by the use of any such weighing or measuring machine or appliance may maintain an action for damages against the offender, and, if judgment be rendered in his favor, he shall recover double damages and costs of suit."

SECTION 6. Section 2160 of the Revised Laws of Hawaii 1925, is hereby amended so as to read as follows:

"Sec. 2160. Unlawful changing, removal of marks; penalty. Any person who shall wilfully or fraudulently change any weighing or measuring machine or appliance as mentioned in or necessarily included within the meaning of this chapter, after the same has been inspected, tested and sealed or marked by the sheriff, or who shall change, remove or destroy any tag, seal or mark which may have been placed in or thereon by the sheriff for the purposes of this chapter, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars."

SECTION 7. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 74

[S. B. No. 123]

AN ACT PROVIDING PENSIONS FOR THE BENEFICIARIES NAMED IN ACT 267, SESSION LAWS 1927, AND MAKING APPROPRIATIONS THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

2.15/23
SECTION 1. The Treasurer of the Territory of Hawaii is hereby authorized and directed to pay to each of the beneficiaries named in Act 267, Session Laws 1927, the respective amounts specified therein, upon warrants to be issued by the Auditor of the Territory of Hawaii, each month, beginning with the month of July, 1929, and to continue such payments up to and including the month of June, 1931; provided, however, that no beneficiary under this Act shall be permitted to draw the amount specified in the Act if said beneficiary is holding any salaried position with the Territory of Hawaii, or any political subdivision thereof; and, provided, further, that pensions to widows under this Act shall cease upon their remarriage.

Such payments are hereby appropriated out of the moneys received in the treasury from the general revenues.

SECTION 2. This Act shall take effect from and after July 1, 1929.

Approved this 25th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 75

[S. B. No. 134]

2.21/33
AN ACT TO AMEND SECTION 3300 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO LAND REGISTRATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That portion of Section 3300 of the Revised Laws of Hawaii 1925, reading, "For checking survey and map on the ground, fifteen dollars", is hereby amended to read as follows:

"For checking survey and map on the ground, for lots of one acre or less, twenty-five dollars; an addition of one dollar an acre or fraction thereof for all area over one acre and up to one hun-

dred acres; an addition of fifty cents an acre or fraction thereof for all area over one hundred acres and up to five hundred acres; an addition of twenty-five cents an acre or fraction thereof for all area over five hundred acres and up to one thousand acres; an addition of ten cents an acre or fraction thereof for all area over one thousand acres."

And that portion of Section 3300 of the Revised Laws of Hawaii 1925, reading, "For approving sub-division of registered land, and checking survey and map thereof on the ground, ten dollars", is hereby amended to read as follows:

"For approving sub-division of registered land, and checking survey and map thereof on the ground, one dollar for each lot up to ten lots; an additional charge of twenty-five cents each for all lots over ten and up to one hundred; an additional charge of ten cents each for all lots over one hundred."

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 76

[S. B. No. 157]

AN ACT TO AMEND SECTION 1626 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO BALLOTS FOR THE ELECTION OF COUNTY OFFICERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1626 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1626. Ballots. The county clerk shall prepare the ballots to be used at elections for county officers and shall furnish the same to the several boards of inspectors at least five days prior to the election. The ballots shall be of suitable paper and their general form, arrangement, number and style of printing shall be as prescribed by law for ballots for senators and representatives."

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 77

[S. B. No. 158]

AN ACT TO AMEND SECTION 1769 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO BALLOTS FOR THE ELECTION OF CITY AND COUNTY OFFICERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1769 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1769. Ballots. The city and county clerk shall prepare the ballots to be used at elections for city and county officers, and shall furnish the same to the several boards of inspectors at least five days prior to the election. The ballots at the general election shall be of green paper and their general form, arrangement, number and style of printing shall be as prescribed by law for ballots for senators and representatives. The ballots for supervisors at the primary election shall be of pink paper and the ballots for the other officers shall be of green paper and their general form, arrangement, number and style of printing shall be as prescribed by law for ballots for senators and representatives."

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 78

[H. B. No. 116]

AN ACT EXEMPTING FROM TAXATION ALL PROPERTY ACTUALLY AND SOLELY USED IN THE MANUFACTURE OF BAGASSE PRODUCTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All property, both real and personal, actually and solely used in connection with the manufacture of board, paper, building material or any and all other articles and products from sugar cane bagasse shall be exempt from all property taxes for a period of five years from December 31, 1929.

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 79

[H. B. No. 164]

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF CONSTRUCTING AND COMPLETING A SUITABLE DRAINAGE SYSTEM AND/OR EMBANKMENT OF THE WAIMEA RIVER, AT WAIMEA, KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of twenty-five thousand dollars (\$25,000.00) or as much thereof as may be necessary, is hereby appropriated out of any money in the treasury of the Territory of Hawaii, for the purpose of defraying the expenses of building, constructing and completing a suitable draining system and/or embankment of the Waimea River, at Waimea, Island of Kauai.

SECTION 2. The said sum of twenty-five thousand dollars (\$25,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the superintendent of public works, who shall have charge of building, constructing and completing a suitable draining system and/or embankment; provided, that the superintendent of public works shall contract for the construction of said embankment if a satisfactory bid can be obtained; but in case a satisfactory bid cannot be obtained or no bid or bids are received, the superintendent of public works is hereby authorized to perform the work by day labor, but in no case shall the sum spent be in excess of twenty-five thousand dollars (\$25,000.00).

SECTION 3. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 80

[H. B. No. 271]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO APPROPRIATE THE SUM OF FIVE HUNDRED EIGHTEEN AND 90/100 DOLLARS (\$518.90) FOR THE PAYMENT OF THE CLAIM OF THE HAIKU FRUIT & PACKING CO., LIMITED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the County of Maui is hereby authorized and directed to appropriate the sum of five hundred eighteen and 90/100 dollars (\$518.90), or so much

thereof as may be necessary, out of the general revenues of said county, for the payment of properly substantiated claims of the Haiku Fruit & Packing Co., Limited, for services rendered and materials supplied at Hana and Keanae during the years 1924 and 1926.

Upon the making of such appropriations, and filing of proper vouchers, the Auditor of the County of Maui is hereby authorized and directed to draw warrants upon the Treasurer of the County of Maui in favor of the claimant for the amounts of the vouchers.

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 81

[H. B. No. 272]

AN ACT TO AMEND SECTION 2436 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO EXECUTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2436 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2436. Time of issuance. Execution and alias executions upon any judgment or decree of a court of record or a judge thereof, or any judgment of a district magistrate, for the payment of money, may be issued at any time during the life of such judgment or decree."

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 82

[H. B. No. 289]

AN ACT MAKING AN APPROPRIATION FOR THE UPKEEP, MAINTENANCE AND REPAIRS OF THE KAILUA PALACE, KONA, HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of three thousand dollars (\$3,000.00) is hereby appropriated, out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, toward the upkeep, maintenance and repairs of the property of the Territory known as the Kailua Palace at North Kona, Island of Hawaii.

SECTION 2. The said sum of three thousand dollars (\$3,000.00) hereby appropriated shall be disbursed on warrants drawn by the Auditor of the Territory, based on vouchers approved by the Superintendent of Public Works who is hereby charged with carrying out the intent of this Act; and said Superintendent may contract with the proper officers of the Society known as the "Daughters of Hawaii" for the upkeep, maintenance and repairs of such property, and in such event, he shall in no way be restricted by or subject to the provisions of Sections 1477 and 1478 of the Revised Laws of Hawaii 1925, as amended.

SECTION 3. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 83

[H. B. No. 304]

AN ACT TO AMEND SECTIONS 2762 AND 2772 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PARTITION OF REAL ESTATE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 2762 and 2772 of the Revised Laws of Hawaii 1925, are hereby amended by striking the words "or curtesy" from the third sentence of Section 2762 and from the last sentence of Section 2772.

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 84

[H. B. No. 321]

AN ACT TO AMEND ACT 34 OF THE SESSION LAWS OF 1927,
RELATING TO A COMMISSION TO MAKE RECOMMENDATIONS
AS TO THE CELEBRATION OF THE TWO HUNDREDTH ANNI-
VERSARY OF THE BIRTH OF GEORGE WASHINGTON.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 34 of the Session Laws of 1927,
is hereby amended to read as follows:

"Section 1. The Governor of the Territory of Hawaii, by and
with the advice and consent of the Senate, is hereby authorized and
directed to appoint a Commission consisting of three members,
the duties of which shall be to recommend to the Legislature of
the Territory of Hawaii at its regular session in the year 1931,
the manner in which the Territory of Hawaii shall participate in
the celebration of the two hundredth anniversary of the birth of
George Washington."

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 85

[S. B. No. 145]

AN ACT TO AMEND SECTION 1232 OF THE REVISED LAWS OF
HAWAII 1925, RELATING TO CHILD WELFARE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1232 of the Revised Laws of Hawaii 1925,
is hereby amended to read as follows:

"Sec. 1232. Members; appointed. The board shall be com-
posed of seven members in the county of Hawaii and six mem-
bers in each of the other counties and the City and County of
Honolulu, five of whom shall be appointed by the Governor in
the manner prescribed in Section 80 of the Organic Act. The
judges of the juvenile courts of the Third and Fourth Judicial
Circuits of the Territory of Hawaii in the county of Hawaii, and
the judges of the juvenile courts of the other counties and of the
City and County of Honolulu shall be ex-officio members of the
respective boards of the said counties and the said city and county.
At least two of the members of each board to be appointed by
the Governor shall be women."

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 86

[H. B. No. 29]

AN ACT AMENDING SECTION 178 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 165 OF THE SESSION LAWS OF 1925, RELATING TO THE PAY OF LABORERS ON PUBLIC WORKS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 178 of the Revised Laws of Hawaii 1925, ^{L/32 P 81} as amended by Act 165 of the Session Laws of 1925, is hereby amended to read as follows:

"Section 178. Wages of laborers on public works. The daily pay for each working day of each laborer engaged in construction or repairing roads, bridges or streets, waterworks or other works, either by contract or otherwise, for the Territory of Hawaii, or for any political subdivision thereof shall not be less than three and no/100 dollars (\$3.00)."

SECTION 2. This Act shall take effect from and after July 1, 1929.

Approved this 26th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 87

[H. B. No. 179]

AN ACT PROVIDING PENSIONS FOR CERTAIN PERSONS HEREIN NAMED, AND AUTHORIZING AND DIRECTING THE COUNTY OF KAUAI TO PAY THE SAME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the County of Kauai is hereby authorized and directed to pay each month, beginning with the month of July, 1929, for the term of the respective life of each, the sums set opposite their respective names, to-wit:

Samuel K. Kao.....	\$125.00
Mrs. Henry K. Holi.....	40.00
Isaac Iona	12.50
Mary Mahailani Kanehe.....	45.00

provided, however, that no beneficiary under this Act shall be permitted to draw the amount specified in the Act if said beneficiary is holding any salaried position of the Territory of Hawaii or any political subdivision thereof, and provided, further, that pensions for widows under this Act shall cease on their remarriage.

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 88

[H. B. No. 224]

AN ACT TO AMEND ACT 105 OF THE SESSION LAWS OF 1921, GRANTING A FRANCHISE FOR THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC CURRENT IN THE DISTRICT OF KAWAIHAU, COUNTY OF KAUAI, SO AS TO GRANT FURTHER EXEMPTION FROM TAXATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 14 of Act 105 of the Session Laws of 1921, is hereby amended to read as follows:

"Section 14. Exemption from taxation. That all property of every kind and nature, forming or used as part of such electric system, including this franchise, shall be exempt, except as provided in Section 13, from any and all taxes under the Territory of Hawaii until the expiration of five years from and after the first day of January, 1929."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 89

[H. B. No. 331]

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF THE CLAIM OF THE HONOLULU STAR-BULLETIN, LTD., AGAINST THE GENERAL SCHOOL FUND INCURRED PRIOR TO DECEMBER 31, 1927.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of one hundred twenty and 70/100 dollars (\$120.70) is hereby appropriated to be paid out of any money received in the treasury of the Territory of Hawaii from the general school fund for the settlement of the claim of the Honolulu Star-Bulletin, Ltd., against the territory.

SECTION 2. The sum hereby appropriated shall become immediately available and shall be paid to the said Honolulu Star-Bulletin, Ltd., upon its filing with the auditor of the territory a voucher approved by the superintendent of public instruction covering said amount.

SECTION 3. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 90

[S. B. No. 46]

AN ACT TO PROVIDE FOR THE PERMANENT IMPROVEMENT, MAINTENANCE AND EQUIPMENT OF THE COUNTY HOSPITALS OF THE COUNTY OF HAWAII BY CREATING A SPECIAL FUND AND PROVIDING ADDITIONAL TAXATION THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Tax Assessor of the Third Taxation Division shall, commencing with the year 1929, and each year thereafter, increase the tax rate on real and personal property in said taxation division over that provided in any other law to an extent sufficient to provide the annual sum of one hundred thousand dollars (\$100,000.00) which shall, when collected, be paid to the Treasurer of the County of Hawaii and be held by him in a special fund for the use, with other moneys made available by the Board of Supervisors, and by the Legislature of the Territory of Hawaii, for the permanent improvement, maintenance and equipment of the county hospitals of the County of Hawaii. L. J. 21
Am 2109/3

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 91

[S. B. No. 146]

AN ACT TO AMEND CHAPTER 119 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 1851B, RELATING TO HIGHWAYS AND OTHER IMPROVEMENTS IN THE CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 119 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section to be known as Section 1851B, to read as follows:

"Sec. 1851B. Improvements in Districts other than District of Honolulu. In Districts other than the District of Honolulu, the construction of any of the betterments or improvements provided for by this chapter may be initiated by petition as and in the man-

ner prescribed by Section 1856 and Section 1856A hereof. If, after receipt of such petition, the board of supervisors shall, by resolution, assent to proceeding with the proposed improvement, it shall thereupon proceed in the same manner as though such proposed improvement were to be made and done in the District of Honolulu."

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 92

[S. B. No. 156]

AN ACT TO AMEND SECTION 2464 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO TRUST ESTATES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2464 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

94/33 "Sec. 2464. Trust Estates. Any circuit judge sitting at chambers in equity and having jurisdiction over a trust, on petition of the trustee, or of a majority of the trustees, if more than one, and after such notice to those interested as shall be ordered by the judge, may, if it appears to be for the benefit of the trust estate and not contrary to the provisions of the trust, authorize or direct the trustee or trustees to sell at public sale any real or personal property forming part of the trust estate; or to partition, exchange or mortgage any of the real property; or to lease or extend the terms of leases of the real property for such periods as may be deemed advantageous to the estate; or to invest moneys of the trust estate in the purchase of real or personal property, or the constructing, improving or repairing of buildings or other improvements on the land belonging to the trust estate, or in such other manner as the judge shall deem to be most for the benefit of the trust estate and as best effecting the objects of the trust. Any lease or extension of lease made under such authority or direction shall continue in force for the full period so authorized notwithstanding the trust shall have terminated."

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 93

[S. B. No. 181]

AN ACT RELATING TO LEASES AND TENANCIES FOR VARIOUS PERIODS AND PROVIDING FOR NOTICES TO VACATE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Notwithstanding other provisions of law to the contrary, verbal leases of real property for any period not exceeding one year shall be valid and enforceable to all intents and purposes as if in writing.

SECTION 2. Notwithstanding other provisions of law to the contrary, when real property is rented for an indefinite time with monthly or other periodic rent reserved, such holding shall be construed to be a tenancy from month to month, or from period to period on which rent is payable, and shall only be terminated by written notice to vacate or of intention to vacate given ten days or more preceding the end of any of said months or periods by either landlord or tenant to the other; provided, further, when any tenant, without such notice having been given by either landlord or tenant to the other, retains possession of rented premises for any period of time after the expiration of such month or period, that a valid and enforceable tenancy shall be thereby created for an additional month or period, as the case may be.

SECTION 3. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 94

[H. B. No. 254]

AN ACT TO AMEND SECTION 4484 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LABOR ON SUNDAY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4484 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

“Section 4484. Labor on Sunday. All labor on Sunday is forbidden, excepting works of necessity or mercy, in which are included all labor that is needful for the good order, health, comfort or safety of the community, or for the protection of property from unforeseen disaster, or danger of destruction or injury, or which may be required for the prosecution of or attendance upon re-

ligious worship, or for the furnishing of opportunities of reading or study; provided, however, that this section shall not apply to newspaper printing offices, steamship companies, railroads, telegraph and telephone companies, hotels, inns, restaurants, cigar stores, ice cream parlors, soda water stands, drug stores, garages, hackmen, owners and operators of licensed shore boats, operators and owners of licensed automobiles, news depots, graziers and ranchmen, electric light plants, gas works and slaughter houses; and provided, further, that personal baggage may be conveyed to and from vessels leaving and arriving at port on that day, and to and from any railroad stations; that on Sunday the loading and unloading of vessels engaged in inter-island, interstate or foreign commerce shall be permitted, and freight may be conveyed thereto or therefrom on Sunday; that during the entire day, ice, milk, bread, fruit, poi, rice and flowers may be sold and delivered; that until ten o'clock in the forenoon, fresh meat, fresh fish and fresh vegetables may be sold and delivered, and laundrymen and laundries may deliver and collect laundry or washing."

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 95

[H. B. No. 290]

AN ACT TO AMEND CHAPTER 18 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTION 184 THEREOF, RELATING TO VACATIONS OF PUBLIC EMPLOYEES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 18 of the Revised Laws of Hawaii 1925, is hereby amended by amending Section 184 thereof to read as follows:

326 "Section 184. Whenever any employee working on a per diem basis in any department of the territorial, county or city and county governments shall have been employed in the same department for at least two hundred and fifty working days, he shall be entitled to a vacation of twelve working days with full pay."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 96

[S. B. No. 31]

AN ACT CREATING AND DEFINING THE POWERS AND DUTIES OF
A BOARD OF WATER SUPPLY OF THE CITY AND COUNTY OF
HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

Amended 10-5/33

SECTION 1. Definitions. Wherever in this Act the following words occur, they shall be held to have the force and meaning herein set forth, unless the context clearly indicates otherwise:

"Board" shall refer to and mean the Board of Water Supply of the City and County of Honolulu, hereinafter defined and created by this Act.

"Water Works" or "Honolulu Water Works" shall refer to and mean all of the property comprising the water works and water system supplying the District of Honolulu with water and water power, now held and administered under the name of the Honolulu Water and Sewer Department and the Electric Light Department, and any property or equipment hereafter added thereto.

"Honolulu Water and Sewer Department" shall refer to, mean and include any bureau, division or subdivision thereof of the Department of Public Works of the City and County of Honolulu, which appertains to or deals with the supplying of water in the District of Honolulu, including those now known as "The Bureau of Water Revenue", "The Mapping and Metering Division", and that portion of "The Bureau of Water Supply and Sewers" which pertains to the supply of water only.

"Honolulu" or "District of Honolulu" shall refer to and mean all of that portion of the Island of Oahu included in the judicial, educational and taxation district, now defined by law as the "District of Honolulu" or "Honolulu District."

"Board of Supervisors" shall refer to and mean the Board of Supervisors of the City and County of Honolulu, or its successors, or the corresponding legislative body of the successors of said City and County of Honolulu.

SECTION 2. Board of Water Supply. A Board of Water Supply, City and County of Honolulu, is hereby created, to consist of seven members, of whom five (5) shall be appointive members and be appointed as hereinafter provided, and of whom two shall always be the persons who for the time being shall be the legal incumbents of the offices of the superintendent of Public Works of the Territory and the Chief Engineer of the Department of Public Works of the City and County of Honolulu, whose duty it shall be to manage, control and operate the water system and properties

of the City and County of Honolulu, for the supplying of water to the public within the District of Honolulu; and to collect, receive, expend and account for all sums of money derived from the operation thereof, and all other moneys provided for the use or benefit of said water system, as in this Act provided. Without limitation as to the generality of the foregoing, said properties shall include all those properties described and included in a resolution entitled "Transfer of Honolulu Water Works", dated February 9, 1922, and signed by the Governor of Hawaii, and in addition thereto, all properties acquired, held or used for or in connection with water works or supply for the District of Honolulu, since July 1, 1914, and the following:

(a) The property bounded by the property of George S. Sampaio, and by Lisbon, Beretania and Alapai Streets and containing an area of about 79,500 square feet.

(b) All the property in Nuuanu Valley owned by the Territory of Hawaii and bounded by the properties of Mary C. Afong, the Oahu Country Club, James P. Howatt and Theodore A. Cooke, and by Nuuanu Street, and now used for water supply purposes and the generation and distribution of electricity.

Provided, that for a period of two years from the passage of this Act, the City and County of Honolulu may use the present electric light shops on the lot at Beretania and Alapai Streets; and provided, further, that the present electric power station in Nuuanu Valley may be used by the said City and County until its abandonment or the completion of a filtration plant in said valley, whichever shall first occur.

(c) All extensions, additions, increases, improvements and betterments in connection with said water system; all water and water rights for the purpose of supplying water; and all works, equipment, supplies and general paraphernalia incidental to the operation and administration of said water system.

All of the powers and functions now provided to be exercised and performed by the Board of Supervisors of the City and County of Honolulu in relation to the Honolulu Water Works by Act 138, Session Laws 1913, as amended, and by the Honolulu Sewer and Water Commission and/or by said Board of Supervisors by Act 150, Session Laws 1925, Act 40 of the Session Laws of 1927, and Act 222 of the Session Laws of 1927, and acts amendatory thereof, shall devolve upon and be exercised and performed by said Board of Water Supply, except as in this Act otherwise provided.

SECTION 3. Appointment. The first five appointive members of the Board shall be appointed, and may be removed, by the Governor in the manner provided by Section 80 of the Organic Act.

One of said members shall be designated by the Governor as chairman of said board.

Thereafter, the appointive members of the Board shall be appointed by the Mayor, with the approval of the Board of Supervisors of the City and County of Honolulu. And upon the expiration of the term of office of the chairman or upon his retirement, the Mayor, with the approval of the Board of Supervisors of the City and County of Honolulu, shall designate another member to fill the office of chairman of the Board. The members of the Board shall serve without pay. Each member of said Board must be, at the time of his appointment, an elector of the City and County of Honolulu and must have been such for at least five years next preceding his appointment. Any member of said Board may be removed from office in the same manner as the Mayor of the City and County.

The term of office of the appointive members of the Board shall be five years from and after the date of their respective appointments; provided, that upon the first appointments one of said members shall be appointed for a term ending June 30, 1931; one for a term ending June 30, 1932; one for a term ending June 30, 1933; one for a term ending June 30, 1934; and one for a term ending June 30, 1935. Any vacancy occurring on said Board, from any cause, shall be filled by appointment, provided, the one appointed to fill such vacancy on said Board shall serve only for the unexpired term of the person whom he succeeds. Officers and employees of the Territory or of the City and County of Honolulu shall not be eligible for appointive membership on the Board.

SECTION 4. Organization and Meetings. Immediately after it is first constituted, and thereafter as soon as may be after the first day of January of each year, the Board shall meet for the purpose of organization. The Board shall thereafter hold regular public meetings at a designated time and place. The Board may adopt such rules and regulations as it may consider necessary for the conduct of its business and the regulation of the matters herein committed to its charge. A majority of the Board shall constitute a quorum for the transaction of business; provided, that the affirmative vote of at least three members of the Board shall be necessary to validate any action of the Board.

SECTION 5. General Management. (a) The Board shall appoint a Manager, who shall have such qualifications as the Board may deem necessary, and who shall have full power to administer the affairs of the water works, subject to the direction and approval of said Board. He shall be known as the Manager of the Board of Water Supply, City and County of Honolulu, and shall serve at the pleasure of the Board.

(b) The Manager shall, subject to the control of the Board, have power to appoint and discharge such other employees, subordinates and assistants as may be necessary for the proper conduct of the business of the Board.

(c) The salaries, wages or other compensation of all persons employed by the Board or engaged in work under its direction shall be fixed by the Manager, with the approval of the Board, provided, that the compensation of the Manager shall be fixed by the Board.

(d) The Board may require a bond in such amount as it shall deem proper from any employee, which said bond shall be duly conditioned for the faithful performance of the duties of such employee, and the Board may provide that the premium on said bond be paid out of the revenues of the water works.

SECTION 6. Legal Department. The City and County Attorney shall be the legal adviser of the Board and shall prosecute and defend, as the Board may require, any and all actions and proceedings involving matters under its jurisdiction. He shall have authority, with the prior approval of the Board, to compromise, settle or dismiss any litigation or proceedings which may be pending for, or on behalf of or against said Board relative to any matter or property under its jurisdiction.

He shall appoint and detail to the Board such attorneys as the Board may deem necessary to conduct its legal work, and the compensation of said attorneys so detailed shall be fixed by the Board, and shall be paid from the revenues of the water works. Said attorneys, when so appointed, shall be deputies of the City and County Attorney, and shall be in addition to the deputies and assistants now or hereafter allowed to him by law.

The Board may employ an attorney to act as its legal adviser and to represent it in any litigation to which it is a party.

SECTION 7. Transfer of funds; obligations. All moneys in the City and County Treasury belonging to any fund of the water works system for said District of Honolulu, upon the date this Act shall take effect, and all moneys thereafter collected belonging to any such fund, including those belonging to the "Water Works Working Fund" or the "Water Works Department" shall, by the Treasurer of the City and County, be placed to the credit of the Board.

All outstanding obligations in connection with the operation of said water system shall be paid by the Board out of said water works funds.

SECTION 8. Purchases and contracts. The Board shall have power to contract for work, supplies, materials or equipment when

the cost of these can be met from the revenues or reserves of the water works, or from the proceeds of bonds authorized for such water works. All contracts shall be executed in the name of the Board and shall be signed by the chairman or acting chairman of the Board.

The Board may sell or otherwise dispose of any buildings, materials, supplies, or equipment under its control when no longer used or useful for its purposes, and the proceeds thereof shall be placed to the credit of the Board. All documents of transfer shall be executed in the name of the Board and shall be signed by the Chairman or acting Chairman thereof.

SECTION 9. Construction, Additions, Extensions, Increases, Betterments and Improvements. The Board shall locate and determine the character and type of all construction and additions, extensions, increases, betterments and improvements to the water works, and shall determine the policy for such construction or the making of such additions, extensions, increases, betterments and improvements out of public funds under its jurisdiction.

SECTION 10. Accounts, Revenues and Expenditures. The Board shall maintain proper accounts in such manner as to show the true and complete financial status and the results of management and operation. Said accounts shall be kept so as to show, among other things, all costs of maintenance, extension and improvement, all operating expenses of every description, all expenses of the Board, and the amounts paid or set aside for depreciation, insurance, pensions, interest, sinking fund and reserves.

The accounts and financial status of said Board shall be examined annually by a certified public accountant, who shall report to the City and County Auditor and the Board the result of such examination, and whose fees shall be paid as an expense of the Board. All accounts of the Board shall be open to the inspection of the City and County Auditor.

SECTION 11. Reserve Fund. The Board may provide for the accumulation of a fund for the purpose of financial major replacements, or extensions and additions, the average estimated annual increment to which, for a period of ten years, shall not exceed fifteen per cent of the gross revenue of the Board in any fiscal year.

SECTION 12. Bond Sales. The Treasurer of the City and County shall, when so directed by the Board, sell such bonds as have or may hereafter be authorized for the acquisition, construction, replacement, extension or completion of such water works; provided, that such sale shall otherwise be conducted in accordance with the procedure specified by the law for the sale of such bonds. The proceeds from said sales shall be kept by the City and County

Treasurer in a separate fund to be used only for the purposes for which such bonds were sold.

SECTION 13. Provisions for Payment of Bonds, etc. Whenever there shall be outstanding any bonds of the City and County of Honolulu representing moneys heretofore or hereafter expended upon the water works system, the funds in the City and County treasury to the credit of the Board shall be drawn upon by the City and County Treasurer to the extent necessary from time to time to provide for payment of said bonds and the interest thereon according to the tenor and terms thereof, the moneys so drawn to be placed to the credit of the appropriate sinking fund and used for said purpose; provided, that in respect of the bonds issued and outstanding under the provisions of Act 150, Session Laws 1925, as amended by Act 40, Session Laws 1927, the whole amount chargeable against the Board on account of the sinking fund as set up by Act 192, Session Laws 1927, shall be proportionate to the amount expended from the proceeds of said bonds upon the water works system when finally determined, in accordance with the provisions of Act 150, Session Laws 1925, as amended, and credit shall be allowed on account thereof to the extent that moneys derived from the water works shall already have been carried to said sinking fund; and provided, further, that the requirements for interest and sinking fund on the sum of \$1,142,031.00 required to be paid to the Territory by Act 138, Session Laws 1913, as amended, (which sum is the proportion of the total indebtedness of \$1,494,671.33 provided for by said Act 138, Session Laws 1913, as amended, allocated to the water works) shall be accounted as an obligation to be met out of funds of the water works system and the Treasurer shall similarly provide for the same in accordance with said Act 138, Session Laws 1913, as amended, out of the moneys in the City and County Treasury to the credit of the Board.

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SECTION 14. Operating Expenses, Reserves and Appropriations. All receipts of the Board, other than from the sale of bonds, shall be paid daily into the City and County Treasury and maintained in a special fund. The Board may make appropriations and allowances from said fund for the following purposes, viz:

- (a) For the payment of the operating and maintenance expenses of such water works;
- (b) For repairs, replacements, additions and extensions;
- (c) For accident reserve, pension charges and compensation insurance;
- (d) For payment of interest and sinking fund on all bonds heretofore or hereafter issued for the acquisition or construction

of such water works and extensions thereto; including interest and sinking fund on the sum of \$1,142,031.00, (which sum is the proportion of the total indebtedness of \$1,494,671.33 provided for under the provisions of Act 138, Session Laws 1913, as amended, allocated to the water works); interest and sinking fund on all bonds authorized by Act 205, Session Laws 1921, and such proportion of the bonds issued under the provisions of Act 150, Session Laws 1925, as amended by Act 40, Session Laws 1927, as have been expended upon the water works, the amount of such proportion or expenditure to be determined in accordance with the provisions of Act 150, Session Laws 1925, as amended;

(e) For reserve Fund under Section 11 of this Act.

SECTION 15. Disbursement of Funds. All moneys expended by the Board pursuant to the provisions of this Act shall be disbursed by the City and County Treasurer only upon warrants issued by the City and County Auditor on vouchers signed by the Chairman or Acting Chairman of the Board.

SECTION 16. Rates. The Board shall have the power to fix *Am A 155/9* and adjust rates and charges for the furnishing of water and for water service such that the revenues derived therefrom shall be sufficient to make the water works self-supporting and to meet all expenditures included under items (a), (b), (c), (d) and (e) of Section 14 of this Act; and any other expenditures which may be occasioned, either directly or indirectly, in supplying water in the District of Honolulu; to collect, and by appropriate means, including the discontinuance of service to delinquent consumers, or civil action in the name of the Board, enforce the collection of such rates and charges; and to adjust and settle all complaints, claims and accounts of consumers or the public. All water furnished to the City and County or any department thereof, or to the Territory of Hawaii, or any department thereof, shall be charged to the respective departments and collected at the regular rates established by the Board. There shall be no free water except as authorized by the legislature.

SECTION 17. Acquisition of Lands. The Board may, in the name of the City and County, acquire and take by purchase, lease or otherwise, all property situated within the limits of the City and County that it may determine necessary for the construction, maintenance, extension or operation of the works under its jurisdiction and control.

SECTION 18. Agreements for Joint Use of Utilities. The Board shall have full power and authority to enter into such arrangements and agreements as it shall deem proper for the joint use with any other person, firm or corporation owning the same, or having juris-

diction of the same, of poles, conduits, towers, stations, aqueducts and reservoirs for the operation of any of the properties under its jurisdiction.

SECTION 19. Pensions. All employees of the Board shall be entitled to the benefits of the provisions of Act 55 of the Session Laws of 1925, as the same has been extended to City and County employees by Act 251 of the Session Laws of 1927, relative to the retirement of aged and disabled employees and for the purpose of enjoying the benefits provided for in said Acts, all employees of said Board shall be deemed to be public employees of the City and County of Honolulu, and all amounts to be contributed to said fund to equal the amounts contributed by said employees thereto shall be paid from the funds under control of the Board.

SECTION 20. Special Deposits. At any time that there is on deposit in the office of the Treasurer of the City and County funds belonging to said Board, in an amount greater than is necessary for the immediate needs of said Board, the said Treasurer shall, upon the direction of the Board, offer so much of said funds as said Board shall direct for deposit in such bank or banks as shall accept the same. Said deposits shall be made in like manner and upon security as provided by Chapter 98, Revised Laws of Hawaii 1925, with respect to territorial funds, and as to funds so deposited the Board, the City and County Treasurer and the Chairman of the Board shall have the same rights, powers and duties as devolve upon the Territory, its Treasurer and the Governor, respectively, concerning territorial funds so deposited. All interest received by the said Treasurer upon the said funds so deposited shall be credited to the Board. All interest from all other moneys of the Board on deposit in any bank shall likewise be credited to the Board.

SECTION 21. Constitutionality. If any section, subsection, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have approved this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 22. Name and Service of Process. The Board created herein shall be known as the "Board of Water Supply, City and County of Honolulu", and may sue and be sued under said name. Service of process in all matters affecting said Board, or any property under its jurisdiction, may be made by service upon any member of said Board or on its Manager. Provided, however, that any action commenced or prosecuted for the recovery of damages for any injury to any person or property by reason of the negligence

of said Board or of any of its agents, servants or employees, shall be commenced and prosecuted against said Board. And no action shall be maintained for the recovery of any such damage, unless a written statement verified by the oath of the claimant, setting forth the nature and items of the claim, and the time and place where the alleged injury may have occurred, or where said damage was sustained, shall have been filed with said Board within six months after the date of the sustaining of said injury or damage; otherwise there shall be no recovery on said claim.

SECTION 23. Repeal of Conflicting Provisions. All provisions of law in conflict with this Act are superseded by the provisions hereof to the extent of such conflict.

SECTION 24. The Honolulu Sewer and Water Commission shall cease to function upon the taking effect of this Act.

SECTION 25. This Act shall take effect July 1, 1929.

Approved this 27th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 97

[S. B. No. 71]

AN ACT TO AMEND SECTION 1752 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO MUNICIPAL GOVERNMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1752 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1752. Deputy sheriffs. In each and every district of the city and county, except in the District of Honolulu, there shall be a deputy sheriff who shall be a person residing in the district for which he is appointed, and who shall be appointed by the sheriff. In the District of Honolulu there shall be two deputy sheriffs who shall be appointed by the sheriff and who shall be persons residing in said district. The deputy sheriffs of the District of Honolulu shall, ex-officio, be the deputy sheriffs of the city and county."

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 98

[S. B. No. 109]

AN ACT TO AMEND SECTION 1587 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO COUNTY GOVERNMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1587 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1587. Number, election, tenure, chairman. The board of supervisors of the County of Maui shall consist of seven members, all of whom shall be elected at large from among those who have been qualified electors of said county for at least one year prior to their election. Six of such officers shall be elected as members only, while the seventh shall be elected as chairman and executive officer of the board, and all shall hold office for a term of two years and until their successors are elected and qualified. All such elections shall be conducted in the manner prescribed by law for the election of county officers, except as otherwise provided by sections 1587-1596".

SECTION 2. This Act shall take effect from and after the date of its approval; provided, however, that the membership of the present board of supervisors shall not be increased prior to the end of their term of office.

Approved this 27th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 99

[S. B. No. 133]

AN ACT TO AMEND SECTION 629 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 215, SESSION LAWS OF 1927, RELATING TO INDEMNIFICATION FOR TUBERCULOUS ANIMALS

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 629 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended to read as follows:

"Sec. 629. Indemnification. For any animal slaughtered, under the provisions of the foregoing section, the owner shall be paid one hundred fifty dollars (\$150.00) for a pure-bred registered animal or seventy-five dollars (\$75.00) for a grade animal; provided, that no compensation will be paid for tuberculous steers, nor will compensation be paid for bulls which are not pure-bred. The amount of indemnification being thus ascertained, the owner may present to the Territorial Auditor a claim against the Territory of Hawaii for such indemnification. A warrant for the payment of such claim shall be made upon vouchers approved by the President of the Board of Agriculture and Forestry, provided:

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(a) That no indemnification shall be paid unless the owner has cooperated with the Board in complying with all rules and regulations issued pursuant to the control and eradication of bovine tuberculosis and has presented his whole herd for testing; and provided,

(b) That no indemnification shall be paid for any imported animal which, after admission to the Territory, shall have been placed in herds known to be infected at the time; and provided,

(c) That no indemnification shall be paid for any imported animal condemned on retest while in quarantine and before release from quarantine;

(d) And further, if an animal is found upon post-mortem examination not to show visible lesions, the owner shall be paid three hundred dollars (\$300.00) for a pure-bred registered animal, or two hundred dollars (\$200.00) for a grade animal.

In case of any report or ruling adverse to the owner hereunder, the owner shall be given a hearing before the Board before a final ruling is made."

SECTION 2. This Act shall take effect from and after July 1, 1929.

Approved this 27th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 100

[H. B. No. 259]

AN ACT TO AMEND SECTION 1586 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE NUMBER AND ELECTION OF THE MEMBERS OF THE BOARD OF SUPERVISORS OF THE COUNTY OF KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1586 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1586. Number, election. The Board of Supervisors of the County of Kauai shall consist of five (5) members, all of whom shall be elected at large from among those who have been qualified electors of said County for at least one (1) year prior to their election. All such elections shall be conducted in the manner now prescribed by law for the election of county officers."

SECTION 2. This Act shall take effect from and after the date of its approval.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 29, 1929.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the House of Representatives this 29th day of April, 1929.

F. D. LOWREY,
Speaker, House of Representatives.

JOSEPH ORDENSTEIN,
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 29, 1929.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the Senate this 29th day of April, 1929.

ROBERT W. SHINGLE,
President of the Senate.

ELLEN D. SMYTHE,
Clerk of the Senate.

ACT 101

[S. B. No. 80]

AN ACT AMENDING SECTION 2133 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 275 OF THE SESSION LAWS OF HAWAII 1925, AND ACTS 21 AND 170 OF THE SESSION LAWS OF HAWAII 1927, RELATING TO SALARIES OF DISTRICT MAGISTRATES, CLERKS, STENOGRAPHERS AND INTERPRETERS OF DISTRICT COURTS, AND AMENDING SECTION 2298 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE APPOINTMENT OF CLERKS BY DISTRICT MAGISTRATES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2133 of the Revised Laws of Hawaii 1925, as amended by Act 275 of the Session Laws of 1925 and Acts 21 and 170 of the Session Laws of 1927, is hereby amended in the following particulars and respects:

(a) That item in said section reading,
 "District Magistrate, Lahaina..... 120.00..... 1,440.00",
 is hereby amended to read,

"District Magistrate, Lahaina..... 150.00..... 1,800.00"

(b) There is hereby inserted in said Section, immediately following the item hereinabove last quoted, as amended, an additional item reading as follows:

"Clerk and stenographer, Lahaina District

Court 100.00..... 1,200.00".

(c) That item in said Section as amended by Act 21 of the Session Laws of 1927, reading:

"District Magistrate, Wailuku..... 250.00..... 3,000.00",

is hereby amended to read,

"District Magistrate, Wailuku..... 300.00..... 3,600.00".

(d) That item in said Section reading,

"Clerk and stenographer, Wailuku District

Court 100.00..... 1,200.00",

is hereby amended to read,

"Clerk and stenographer, Wailuku District

Court 150.00..... 1,800.00".

(e) That item in said Section reading,

"District Magistrate, Makawao..... 150.00..... 1,800.00",

is hereby amended to read,

"District Magistrate, Makawao..... 200.00..... 2,400.00".

(f) That following the item in said Section reading,

"Second District Magistrate, Makawao 25.00..... 300.00",

insert an additional item reading,

"Clerk and stenographer, Makawao

- District Court 100.00..... 1,200.00".
- (g) That item in said Section reading,
 "District Magistrate, Hana..... 100.00..... 1,200.00",
 is hereby amended to read,
 "District Magistrate, Hana..... 125.00..... 1,500.00".
- (h) That item in said Section reading,
 "District Magistrate, Molokai..... 100.00..... 1,200.00",
 is hereby amended to read,
 "District Magistrat, Molokai..... 125.00..... 1,500.00".
- (i) There is hereby inserted in the last paragraph of said Section, after the end thereof, the following provision: "Each of said magistrates shall have power to appoint such additional officers or employees, who shall receive such compensation as may be authorized and provided for by the Board of Supervisors of the county in which he exercises jurisdiction."

SECTION 2. The first sentence of the second paragraph of Section 2298 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Authority is also conferred upon the district magistrate of Honolulu, City and County of Honolulu, upon the district magistrate of South Hilo, County of Hawaii, and upon the district magistrate of Wailuku, County of Maui, respectively, to appoint a clerk or clerks and one or more interpreters for each of said district courts, and upon the district magistrate of Makawao and the district magistrate of Lahaina in the County of Maui, respectively, to appoint a clerk for each of said district courts."

SECTION 3. This Act shall take effect from and after July 1st, 1929.

I hereby certify that the foregoing Bill, having been presented to the Governor for his approval and signature, and not having been signed or vetoed within the time prescribed by the Organic Act of the Territory, has become law without his signature on April 29, 1929.

RAYMOND C. BROWN,
 Secretary of the Territory of Hawaii.

ACT 102

[H. B. No. 43]

AN ACT TO AMEND SECTION 1315 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO GENERAL PROPERTY TAXES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That portion of Section 1315 of the Revised Laws of Hawaii 1925, as amended, which appears as the first paragraph to begin on page 549 of Volume 1 of the Revised Laws of Hawaii 1925, is hereby further amended to read as follows:

"For the several counties the rate required to yield the sum specified under subdivision 1 shall not exceed eight-tenths of one per cent and the rate required to yield the total of the sums specified under subdivisions 1 and 2 shall not exceed one per cent. For the City and County of Honolulu the rate required to yield the sum specified under subdivision 1 shall not exceed seven-twelfths of the total rate for subdivisions 1 and 2, and the rate required to yield the total of the sum specified under subdivisions 1 and 2 shall not exceed one and one-half per cent. In the several counties and in the City and County of Honolulu neither the rate nor the sums required for subdivisions 1 and 2, taken separately, shall be increased more than ten per cent in any one year over the rate or the sums of the last preceding year. If any of the several boards of supervisors shall not transmit to the assessor and the Territorial Treasurer by April 25th in any year its estimate of the amounts required for such year under subdivisions 1, 2 and 3, the Territorial Treasurer shall fix the respective amounts in dollars for subdivisions 1 and 2 at a figure ten per cent less than that for the preceding year, adding thereto the amount necessary or required, in his judgment, for subdivision 3."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

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ACT 103

[S. B. No. 59]

AN ACT TO AMEND SECTION 171, AS AMENDED, AND SECTION 173 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE QUALIFICATIONS OF GOVERNMENT OFFICIALS AND EMPLOYEES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 171 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended to read as follows:

"Sec. 171. Government officials and employees to be citizens and residents. All officers and employees in the service of the government of the Territory of Hawaii or in the service of any county or city and county or municipal subdivision of said Territory shall be citizens of the United States of America and residents of said Territory for at least one year immediately preceding their appointment; provided, however, that in cases where it is not reasonably practicable to obtain persons with the foregoing qualifications competent for such service, persons without such qualifications may be employed until persons with such qualifications competent for such service can be obtained.

"The foregoing requirements shall not apply to teachers in public schools higher in grade than public elementary and grammar schools, provided, however, that in the appointment of such teachers preference shall be given to local teachers of the same standing, grade or rating as those from abroad.

"The foregoing requirement as to citizenship shall not apply to any female person who, having been a citizen, has lost her citizenship through marriage to an alien.

"All elective officers of any county or city and county or municipal subdivision of the Territory of Hawaii shall be citizens of the United States of America and shall have resided in said Territory for at least three years and within the respective county or city and county or municipal subdivision of said Territory wherein the office is to be held for at least three months next preceding their election."

SECTION 2. Section 173 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 173. Any division or department head or any public officer, or any one in authority who shall employ or cause to be employed a person in violation of Section 171, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars or by imprisonment

not to exceed thirty days or by both fine and imprisonment for each offense."

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SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 104

[S. B. No. 82]

AN ACT TO AMEND CHAPTER 173 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO MARRIAGE, BY AMENDING SECTIONS 2944, 2946, 2948, 2949, 2950 AND 2953 THEREOF; BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 2946A; AND BY REPEALING SECTION 2954 THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2944 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2944. Consent of parent or guardian. Whenever any person who is under the age of twenty is to be married, the written consent, under oath, of his or her parents, or guardian or other person in whose care and custody he or she may be, shall accompany the application for a license to marry."

SECTION 2. Section 2946 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2946. Agent to grant; fee. It shall be the duty of the President of the Board of Health to appoint one or more suitable persons as agents in each judicial district of the Territory, whose special duty shall be to grant marriage licenses, pursuant to the provisions of this chapter. Such agents shall hold office during the pleasure of the President of the Board of Health. Upon the filing of an application for a license to marry, the agent shall collect from the parties making the application the sum of two dollars. Of this amount, the agent shall remit to the Treasurer of the Territory, as general realization, the sum of one dollar, and shall retain, as and for his compensation, the remaining sum of one dollar. Every agent is hereby authorized to administer the oaths required to be taken by this chapter."

SECTION 3. Chapter 173 of the Revised Laws of Hawaii 1925, is hereby amended by the addition of a new section to be known as Section 2946A, to read as follows:

"Sec. 2946A. Application; license. In order to secure a license to marry, the parties applying therefor shall appear personally before the agent authorized to grant marriage licenses and shall file with him an application in writing, and such application shall be accompanied by a statement signed and sworn to by each of the parties, setting forth his or her full name, age, race, residence, occupation, if any, and also their relationship, if any, the full names of parents, and whether living or dead, and whether previously married and the manner of the dissolution of such prior marriage or marriages. The agent shall endorse on the application, over his signature, the date of the filing thereof.

At least three days shall elapse between the day of the filing of the application and the day of the issuance of the license, provided, however, that the district magistrate of the judicial district in which the application for the license is made may, upon the sworn petition of the persons making such application, setting forth sufficient reasons therefor, direct in writing that such license be issued forthwith, if satisfied that the same is advisable. Every license shall bear on its face the date of the issuance thereof. In case a license to marry is not called for within fifteen days after the date of the filing of the application therefor, such application shall become null and void and no license shall be issued thereon after the expiration of such period. Every license shall be of full force and effect for a period of thirty days commencing from and including the date of the issuance thereof. Upon the expiration of such period, such license shall become null and void and no marriage ceremony shall be performed thereon.

All applications and licenses shall be made and issued upon forms to be furnished by the Board of Health."

SECTION 4. Section 2948 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

57 "Sec. 2948. Persons under age. Whenever any person who is under the age of twenty, whose parents are dead, applies for a license to marry, he or she shall set forth, in the statement accompanying the application, the name of his or her guardian or of any other person in whose care and custody he or she may be."

SECTION 5. Section 2949 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2949. License to solemnize. It shall not be lawful for any minister of religion of any sect whatsoever, or any other person, to perform the marriage ceremony within the Territory, without first obtaining from the President of the Board of Health a license to celebrate marriage."

SECTION 6. Section 2950 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2950. By whom solemnized. The marriage rite may be performed and solemnized by any person duly authorized by law, upon presentation to him of a license to marry, as prescribed by this chapter; who may be at liberty to receive the price to be stipulated by the parties, or the gratification tendered to him."

SECTION 7. Section 2953 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2953. Delivery of records to Board of Health; penalty. Whenever any district magistrate ceases to be such, or is directed to do so by the President of the Board of Health, or leaves the Territory, he shall deliver to the Board of Health all his records of marriage licenses, or upon the death of any district magistrate, such records shall be delivered to the Board of Health by his executor, administrator or other legal representative.

"Whenever any person holding a license to perform the marriage ceremony is directed to do so by the President of the Board of Health, or whenever such license is cancelled or otherwise terminated, or upon the departure from the Territory of any such person, he shall deliver to the Board of Health all his records of marriages, or, upon the death of any such person, such records shall be delivered to the Board of Health by his executor, administrator or other legal representative.

"Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to a fine not exceeding five hundred dollars."

SECTION 8. Section 2954 of the Revised Laws of Hawaii 1925, is hereby repealed.

SECTION 9. This Act shall take effect on July 1, 1929.

Approved this 29th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 105

[H. B. No. 299]

AN ACT AMENDING ACT 248 OF THE SESSION LAWS OF 1927,
RELATING TO MAINTENANCE OF PUBLIC SCHOOLS AND
SALARY SCHEDULES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 248 of the Session Laws of Hawaii 1927, relating to maintenance of public schools and salary schedules is hereby amended to read as follows:

P 174 "Section 336. Salary schedule. The salary schedule fixing the pay of supervisors, principals, teachers, etc., adopted by the department of public instruction on January 26, 1925, and approved by the Governor, is hereby adopted and approved as the salary schedule.

Number of teachers. The total number of teachers, exclusive of principals of schools with sixteen or more assistants, and not more than twenty supervisors, not more than one hundred ninety vocational and pre-vocational teachers, of which not more than one hundred twenty-five shall be employed as pre-vocational teachers and the remaining number employed as vocational teachers under the conditions laid down in the territorial plan for vocational education, adopted by the territorial board for vocational education, and not more than forty secretaries for supervising principals and schools which have twenty-five or more teachers, who may be continuously employed by the department, shall not exceed one for every thirty-five pupils enrolled in the public elementary schools, and one for every twenty pupils enrolled in the public high schools at the time of the highest enrollment during the preceding year, plus an estimated increase of not more than 7.5 per centum in such enrollment after September 1 of the current year.

Per capita cost. It is provided, however, that the total monthly payroll, as indicated above, shall not exceed four dollars and sixty-five cents (\$4.65) per capita for the number of pupils enrolled in grades 1 to 8 inclusive, and eight dollars and seventy-five cents (\$8.75) per capita for the number of pupils enrolled in grades 9 to 12, inclusive.

And the treasurer of the territory, in making up his estimates of funds necessary to be raised out of the real and personal property taxes to meet such payroll, shall take into consideration the estimated increase of not more than 7.5 per centum in the enroll-

ment as aforesaid after September 1 of the current year, and the consequent increase in the number of teachers and the amount of said payroll which will be necessary, including the amount payable by the Territory of Hawaii to the Employees' Retirement System of the Territory of Hawaii on account of the members whose salaries are paid from school funds."

SECTION 2. All laws and parts of laws inconsistent with this Act are hereby repealed.

SECTION 3. This Act shall take effect on September 1, 1929.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 29, 1929.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the House of Representatives this 29th day of April, 1929.

F. D. LOWREY,
Speaker, House of Representatives.

JOSEPH ORDENSTEIN,
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 29, 1929.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the Senate this 29th day of April, 1929.

ROBERT W. SHINGLE,
President of the Senate.

ELLEN D. SMYTHE,
Clerk of the Senate.

ACT 106

[S. B. No. 77]

AN ACT APPROPRIATING \$131,500.00 FROM THE GENERAL REVENUES FOR THE PURCHASE OF LAND AND THE ERECTION OF NEW BUILDINGS, ADDITIONS AND IMPROVEMENTS, RELATING TO THE SCHOOLS OF THE CITY AND COUNTY OF HONOLULU, FOR THE PERIOD ENDING DECEMBER 31, 1929, AND PROVIDING ADDITIONAL TAXES FOR RAISING AND REPAYING SAID SUM.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums are hereby appropriated, as additional appropriations, for the erection of new school buildings, school additions and improvements and the purchase of land for new sites and additions to be selected by the Superintendent of Public Instruction, in the City and County of Honolulu, and for the schools thereof, for the period ending December 31, 1929, out of any moneys received in the treasury of the Territory of Hawaii from the general revenues, and to be expended on the basis of the following estimates:

NEW BUILDINGS, ADDITIONS AND IMPROVEMENTS

1. HONOLULU PROPER.

ELEMENTARY SCHOOLS:

Maemae:

Rebuilding Plant	\$ 15,000.00	
Kitchen and Pavilion	4,500.00	
3 Classrooms	6,000.00	\$ 25,500.00

Lanakila:

Kitchen and Pavilion		4,500.00
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Likelike:

Kitchen and Pavilion	4,500.00	
3 Classrooms	6,000.00	10,500.00

Pauoa:

Kitchen and Pavilion	4,500.00	
2 Classrooms	4,000.00	8,500.00

Kalihikai:

Kitchen and Pavilion		4,500.00
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Kauluwela:

2 Classrooms	4,000.00	
Pavilion	3,000.00	7,000.00

Pohukaina:	
2 Classrooms	4,000.00
Fern School:	
1 Classroom	2,000.00
	<hr/>
TOTAL, HONOLULU PROPER.....	\$ 66,500.00

LAND: NEW SITES AND ADDITIONS

1. HONOLULU PROPER.

EXPERIMENTAL SCHOOL:

Kawananakoa Experimental School	\$ 65,000.00
	<hr/>
TOTAL	\$131,500.00

In case the amount specified in any item of this Section shall not be wholly required to complete the work on such item, the unrequired balance may, after completion of said item, be expended for the work specified in any of the other items, and any unrequired balance remaining after the completion of all the items in this Section, shall be transferred to the Special School Fund of the City and County of Honolulu for new buildings, additions and improvements and lands.

SECTION 2. The tax rate of the City and County of Honolulu for the year 1929 shall be so fixed as to produce the money herein appropriated, which shall be repaid into the general revenues of the Territory.

SECTION 3. It is the intention and purpose of this Act to restore the amounts appropriated pursuant to Act 267, Session Laws of Hawaii 1925, and heretofore lapsed by the Board of Supervisors of the City and County of Honolulu, to be expended as and for the items enumerated herein.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 107

[S. B. No. 86]

AN ACT TO AMEND SECTIONS 1222, 1225 AND 1230 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES.

Be it Enacted by the Legislature of the Territory of Hawaii:

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10.18/33 SECTION 1. Section 1222 of the Revised Laws of Hawaii 1925, is hereby amended by adding at the end thereof the following:
"Provided, however, that the Registrar General shall furnish, free of charge, a certified copy of any record kept under or by virtue of this chapter to any municipal, state, territorial or federal office and to representatives of the Consular Corps."

SECTION 2. Section 1225 of the Revised Laws of Hawaii 1925, is hereby amended by adding at the end thereof the following:

"It shall be the duty of any physician who shall attend or be called upon in connection with the death of any person, to report such death and the facts relating thereto, as in this Section set forth."

SECTION 3. Section 1230 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1230. Penalty. Any person who shall violate, or who shall fail to observe or perform any of the requirements of this chapter or any requirement of any rule or regulation made and published by the Board under or by virtue of this chapter, or who shall knowingly make a false statement of any fact to be recorded as in this chapter provided, shall, upon conviction thereof, be fined a sum not to exceed fifty dollars."

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 108

[S. B. No. 92]

AN ACT TO AMEND ITEM 17 OF ACT 266 OF THE SESSION LAWS OF 1925, AS AMENDED BY ACT 146 OF THE SESSION LAWS OF 1927, RELATING TO PUBLIC IMPROVEMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii: *SUG. 175/33*

SECTION 1. Item 17 of Act 266 of the Session Laws of 1925, as amended by Act 146 of the Session Laws of 1927, is hereby amended to read as follows:

"17. Koko Head-Makapuu-Waimanalo Road, designated as Kalaniana'ole Highway, and known as Federal Aid Project No. 6, beginning at Station 80+50 of such project and running towards Makapuu 100,000.00"

SECTION 2. The contract heretofore and on to-wit, May 14, 1928, made by the Territory of Hawaii by Lyman H. Bigelow, its Territorial Highway Engineer, the party of the first part, and E. J. Lord, Limited, as party of the second part, for the construction of Kalaniana'ole Highway, Federal Aid Project 6A, or such part thereof as shall be required by the Territorial Highway Engineer, is hereby in all things legalized, confirmed and made valid.

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 109

[S. B. No. 121]

AN ACT TO AMEND SECTION 1028 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE PRACTICE OF MEDICINE AND PENALTIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1028 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1028. Penalty. Any person, firm or corporation who shall violate any of the provisions of this chapter, or who shall offer or in any way attempt to engage in the practice of medicine as defined in Sec. 1023, or who shall fail to comply with any of the requirements or provisions of this chapter, penalty for which violation or failure to comply being not otherwise provided for, shall be guilty of a misdemeanor, and upon conviction thereof shall be

punished by a fine of not more than Five Hundred Dollars (\$500.00) or six months' imprisonment in jail in the discretion of the court, and each day's violation or failure to comply shall be deemed a separate offense.

"All tools, implements, medicine and drugs used in the practice of medicine by any person, firm or corporation convicted of practicing medicine without a license shall be declared forfeited to the Territory by the Court and ordered destroyed."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 110

[S. B. No. 125]

AN ACT AMENDING SECTION 1852 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY SECTION 2 OF ACT 191 OF THE SESSION LAWS OF 1925, RELATING TO HIGHWAYS AND OTHER IMPROVEMENTS IN THE DISTRICT OF HONOLULU, CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

P. 189 SECTION 1. Section 1852 of the Revised Laws of Hawaii 1925, as amended by Section 2 of Act 191 of the Session Laws of 1925, is hereby further amended to read as follows:

"Sec. 1852. Public land or land exempt from taxation, etc.: cost otherwise assessable against borne by municipality. Whenever any public land, or any land by law exempted from assessments of the character provided for in this chapter, or exempted by law from payment of property taxes, forms part of any improvement district or fronts upon any street, alley, or other highway to be opened or improved or along which a storm drainage system is to be constructed or improved independently and would, if privately owned or not exempt from such assessment, be subject to assessment, the board shall, nevertheless, without assessing such public or exempted land for any part of the cost of such improvements, by general ordinance appropriate and pay toward such improvements out of general revenues the portion of the cost thereof which would otherwise be assessable against the same in a lump sum or, at the election of the board, in such equal installments and with such interest thereon as the board shall determine; and with respect to any such proposed improvement where any part of the

cost is thus to be borne by the city and county, the board shall have the same right of approval or protest as though the city and county were the private owner of the public or exempted land so involved. And, as to such expenditures for public and exempt lands, the City and County of Honolulu, shall be entitled to be reimbursed out of territorial revenues by appropriations to be made from time to time by the legislature of the Territory of Hawaii to the extent of fifty per centum (50%) of all assessments regularly apportioned against religious, charitable, private, educational and other eleemosynary societies or associations, which are a part of any improvement district or frontage improvement and are exempted by law from the payment of property taxes and such assessments; and said city and county shall be entitled to be likewise reimbursed for the full amount of assessments regularly apportioned against public lands which are a part of any improvement district or frontage improvement, which public lands are owned in fee simple by the United States of America, or by the Territory of Hawaii, and which are not set aside for schools maintained by the City and County of Honolulu, or for city parks, or for other city and county purposes or for street areas or frontages; provided, however, that as to the Normal School, College of Hawaii, Kapiolani Park and the Waikiki parks established by the laws of 1903, Chapter 103, Section 1, the city and county shall be entitled to full reimbursement for improvement assessments; and provided, further, that in case any land exempted by law from assessments as herein provided, other than public land, or any part thereof, is sold or leased after the establishment of a frontage improvement or an improvement district, the grantee, in the one case and the lessor in the other, shall assume the payment of assessments from the date of such sale or lease in the same manner as if the property had not been exempted from assessments and as if assessments proportionable against the property had been paid in installments to such date of sale or lease; and that all payments received from such grantee or lessor as the case may be, shall be paid into the permanent improvement fund. Nothing herein shall be taken to prejudice any rights of the Territory to reimbursement from the United States of America for assessments herein assumed by the Territory, but the latter shall be subrogated to the rights of the City and County of Honolulu on such assessments so assumed."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 111

[H. B. No. 60]

AN ACT TO AMEND SECTION 4141 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PUNISHMENT FOR THE CRIME OF KIDNAPPING.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4141 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 4141. Kidnapping; punishment. Whoever kidnaps, that is, forcibly or fraudulently and deceitfully, and without authority by law, imprisons, seizes, detains or inveigles away any person, with intent to cause such person to be secreted within the territory against his will, or sent out of the territory against his will, or sold or held as a slave, shall be punished by a fine not exceeding one thousand dollars and be imprisoned at hard labor for life or any number of years, in the discretion of the court."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 112

[H. B. No. 106]

AN ACT TO AMEND SECTION 333 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 94 OF THE SESSION LAWS OF 1925, RELATING TO THE USE OF SCHOOL TEXT BOOKS AND THEIR FREE DISTRIBUTION TO NEEDY PUPILS.

Be it Enacted by the Legislature of the Territory of Hawaii:

P. 180 SECTION 1. Section 333 of the Revised Laws of Hawaii 1925, as amended by Act 94 of the Session Laws of 1925, is hereby amended by amending the second and third paragraphs thereof to read as follows:

"Provided, that in the case of needy pupils registered in grades one to nine inclusive, the books and fees may be furnished free by the Department. Written application therefor, shall be made by the aforementioned parent or guardian of said child on such form and in such manner as the Department may provide.

"Provided, further, that in such cases the use only of such books shall be authorized and when pupils shall have finished the use of the same, the books shall be returned to the Department."

SECTION 2. This Act shall take effect on and after July 1st, 1929.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 113

[H. B. No. 143]

AN ACT TO PROVIDE FOR THE ESTABLISHMENT, MANAGEMENT AND CONTROL OF A VOCATIONAL SCHOOL IN EAST MAUI, COUNTY OF MAUI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Vocational School, establishment in East Maui, County of Maui. The Department of Public Instruction shall, pursuant to the provisions of Chapter 27 of the Revised Laws of Hawaii 1925, as amended, establish and maintain in East Maui, County of Maui, at a place to be chosen by the Department, a public school devoted exclusively to vocational training and instruction.

SECTION 2. Control and management. The control and management and all matters relating thereto, including the establishment of the curriculum and the employment of personnel, shall be vested in the Department of Public Instruction.

SECTION 3. The provisions of Chapter 27, Revised Laws of Hawaii 1925, shall apply, where not in conflict with the provisions of this Act, to the vocational school here established, in the same manner and with like effect as the same now apply to other public schools of the Territory.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 114

[H. B. No. 169]

AN ACT TO AMEND SECTION 1 OF ACT 97 OF THE SESSION LAWS OF 1927, PROHIBITING THE USE OF SPEARS AND ARROW GUNS IN FISHING.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 97 of the Session Laws of 1927, is hereby amended to read as follows:

"Section 1. It is hereby declared unlawful for any person not a citizen of the United States, or eligible to become a citizen, to take, kill or pursue any fish, turtle or squid in any of the waters within the jurisdiction of the Territory of Hawaii by means of any spear, arrow gun and/or hook attached to any spear."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 115

[H. B. No. 242]

AN ACT TO AMEND ACT 202 OF THE SESSION LAWS OF 1925, RELATING TO REPORTS MADE BY DEALERS IN FISH.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 202 of the Session Laws of 1925, is hereby amended to read as follows:

"Section 1. Every person, firm or corporation having an established place of business in the City of Honolulu or City of Hilo who engages in the business of buying or selling fish, or fishery product, caught within, or adjacent to, the waters of the Territory of Hawaii, shall render to the division of fish and game of the board of agriculture and forestry of the Territory of Hawaii, herein referred to as the division, on or before the 10th day of each month on blanks to be furnished by the division, a true and correct statement in the English language showing the weight and number of each of such species of fish purchased, received, or sold, during the previous month, as shall, by the division, be required so to be reported."

SECTION 2. Section 2 of said Act 202 is hereby amended to read as follows:

"Section 2. Every person, firm or corporation having an established place of business who deals in fish, or who receives fish from any person, firm or corporation, shall issue receipts in the English language to the person, firm or corporation from whom fish are received and shall give in such receipt (a) the date of the issuance; (b) the name of the person, firm or corporation to whom the receipt is issued; and (c) the following information with respect to each of such varieties of fish as shall by the said division be required so to be listed: the weight in pounds of each of such varieties received, the number of fish when these average a pound or more, the price per pound paid; and (d) the signature of the dealer who issues the receipt; and any dealer catching his own fish, or handling any fish caught by fishermen working for or with him, shall make out the same receipt, giving market price for the fish as prevails on date of receipt. A duplicate copy of this receipt shall be kept on file by the dealer issuing the same, for a period of six months, and the said duplicate copy shall be available for inspection at any time within six months, upon demand of the division, or any duly authorized assistant or agent thereof."

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 116

[H. B. No. 243]

AN ACT TO AMEND SECTION 777 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE PROTECTION OF CERTAIN CRUSTACEANS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 777 of the Revised Laws of Hawaii 1925, is hereby amended by adding after the last word in said section the following provision:

"The possession of any such lobster, crawfish, or ula, or kua-honu or crab, showing indications of the eggs having been scraped or removed therefrom, shall be prima facie evidence of the violation of the provisions of this section."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 117

[H. B. No. 278]

AN ACT TO AMEND SECTION 3136 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO REGISTRATION OF CONVEYANCES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3136 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

53 "Section 3136. Plans on tracing cloth; size, scale. All plans must be on tracing cloth of a size not greater than 54 inches wide, without restriction as to length, and the scale thereof must be some one of the following, viz:

10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 100 feet, 200 feet, 500 feet, 1000 feet or 5000 feet to an inch."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 118

[H. B. No. 279]

AN ACT TO AMEND SECTION 772 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO TOP MINNOWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 772 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 772. Exceptions. Nothing in Section 771 contained shall be construed to prohibit the board of health or its agents or inspectors, or any person having a permit from the board of health, from taking, moving or handling such fish, or from taking or using the same for public health or scientific purposes in such manner as the board or its agents or inspectors may deem necessary or proper; and nothing in said Section 771 shall also be construed to prohibit any person, firm or corporation having the right to fish from catching or taking such fish solely for bait purposes."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 119

[H. B. No. 320]

AN ACT TO AMEND SECTION 2126 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO INTOXICATING LIQUOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2126 of the Revised Laws of Hawaii 1925 is hereby amended to read as follows:

"Section 2126. Illicit selling. Any person, who shall sell, dispose of, furnish or keep for sale intoxicating liquor of any kind, or shall cause to be sold, disposed of, furnished or kept for sale any such liquor by any person engaged or hired for such purpose, shall be guilty of a misdemeanor and upon conviction thereof be fined not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for not more than twelve months, or both; provided, however, that this section shall not apply to the sale or other furnishing of intoxicating liquor upon the prescription of a physician or surgeon authorized under the National Prohibition Act to issue such prescriptions."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 120

[H. B. No. 323]

AN ACT TO AMEND SECTION 3094 OF THE REVISED LAWS OF HAWAII 1925; RELATING TO THE DISCHARGE OF GUARDIANS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3094 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 3094. Discharge of guardian by law or judge. The marriage of any female who is under guardianship as a minor, shall operate as a legal discharge to her guardian so far as the guardianship of the person of the minor is concerned; and the guardian of any insane person, or spendthrift, may be discharged by any judge, when it shall appear to him, on the application of the ward, or otherwise, that the guardianship is no longer necessary."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

Repealed 197/33

ACT 121

[H. B. No. 344]

AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF AN APPROACH TO THE WAIAKEA AIRPORT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of seven thousand dollars (\$7,000.00) is hereby appropriated out of the general revenues of the Territory for the construction of a road and approach to the Waiakea Airport, Hilo, Hawaii, beginning at the junction of Kamehameha Avenue and Kalanianaʻole Street and running a distance of approximately two thousand feet (2,000 feet).

SECTION 2. The said sum hereby appropriated shall be expended under the direction of the superintendent of public works of the Territory of Hawaii.

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 122

[H. B. No. 364]

AN ACT TO AMEND SECTION 3343 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING A NEW PARAGRAPH THERETO, RELATING TO AMENDMENTS OF CHARTERS AND ARTICLES OF ASSOCIATION OF CORPORATIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3343 of the Revised Laws of Hawaii 1925, is amended by adding at the end of said section a new paragraph to read as follows:

"Upon the occasion of each amendment of the charter or articles of association of any corporation under this section an amended charter or amended articles of association shall be prepared which shall be recorded as provided in Section 3334 of this chapter; provided that if prior to the occasion of any such amendment the capital stock of the corporation shall have been either increased or extended or reduced under the provisions of this chapter then the amended charter or articles of association prepared as herein provided shall show the amount of the capital stock and the limit of the extension thereof as of the date of such amendment."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 123

[H. B. No. 371]

AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO PAY OUT OF THE GENERAL REVENUES OF THE COUNTY OF HAWAII OBLIGATIONS INCURRED PRIOR TO JANUARY 1, 1929.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the County of Hawaii is hereby authorized and empowered to pay out of the general revenues of the County of Hawaii for the year 1929, claims incurred prior to January 1, 1929, which were unpaid; the said claims to be examined, and if found proper, to be approved by the said board of supervisors; provided, however, that the aggregate amount of said claims herein authorized to be paid shall not exceed one thousand two hundred dollars (\$1200.00).

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 124

[H. B. No. 266]

AN ACT TO AMEND SECTION 1865 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO DELINQUENT INSTALLMENTS OF PAYMENTS FOR HIGHWAY IMPROVEMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1865 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1865. Effect of failure to pay installment. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole of the unpaid principal to become due and payable immediately and the whole amount of unpaid principal and accrued interest shall thereafter draw interest at the rate of one per centum per month or fraction of a month until the day of sale as hereinafter provided; but at any time prior to the day of sale the owner may pay the amount of all delinquent installments with interest thereon at one per centum per month or fraction of

a month, and all costs and expenses accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been made. The owner of any land assessed, not in default as to any installment or payment, may at any time after the expiration of the first thirty day period pay the entire unpaid principal with interest thereon to the next subsequent annual date for the payment of installments."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 125

[H. B. No. 336]

AN ACT TO AMEND SECTION 3890 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO HAWAIIAN DICTIONARY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3890 of the Revised Laws of Hawaii 1925, is hereby amended by adding after the last sentence thereof the following:

"Provided, further, that any remaining copies of the dictionary undisposed of shall be transferred to the Bureau of the Archives of Hawaii, to be and remain and form a part of the files of the said Bureau of the Archives of Hawaii."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 126

[H. B. No. 356]

AN ACT TO AMEND ACT 167 OF THE SESSION LAWS OF 1925, RELATING TO THE PUNISHMENT OF PERSONS RESPONSIBLE FOR OR DIRECTLY PROMOTING OR CONTRIBUTING TO THE CONDITIONS THAT RENDER A CHILD DEPENDENT OR DELINQUENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 167 of the Session Laws of 1925, is hereby amended by adding at the end of the last paragraph on page 192, the following proviso:

"Provided that in the Counties of Hawaii and Maui the several district magistrates shall have concurrent jurisdiction in their respective districts with the juvenile courts in their respective judicial circuits."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 127

[H. B. No. 359]

AN ACT TO REGULATE THE SALE OF EXPLOSIVES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. It shall be unlawful for any person, firm, or corporation in the Territory of Hawaii to sell, trade in or deliver any dynamite, or any other similar explosive, to any other person, firm or corporation which has not secured a permit from the sheriff of the county or counties, including the City and County of Honolulu, in which the explosive is intended to be used, and it shall be unlawful for any person, firm or corporation, other than any dealer in explosives who has the same in possession at his or its place of business for the purpose of sale, to have any dynamite or other similar explosive in his or its possession, unless such person, firm, or corporation holds a permit therefor from such sheriff, or is using such explosive under the direction of a person who holds such permit therefor and for the purposes for which said explosive was obtained.

SECTION 2. The sheriffs of the various counties or their deputies shall issue to applicants complying with the provisions of this section permits to purchase explosives, to be used within their respective jurisdictions. Applications therefor shall be made in writing upon blanks to be presented by the sheriffs of the various counties, showing the name and address of the person, firm or corporation applying for such permit, the locality or localities wherein the explosive is to be used, the nature of the work to be done, and facts showing a reasonable necessity for the use of such explosive, and the amount of explosive estimated to be reasonably necessary for such work. Permits shall be made out in triplicate; the original and duplicate shall be delivered to the applicant, and the triplicate shall be retained by the officer issuing the permit. Upon the purchase of explosives under such permit, the original shall be delivered to the person from whom the explosive is obtained, and the duplicate shall be held by the person obtaining such explosive until the same has been entirely used and consumed.

SECTION 3. Every dealer in explosives shall submit a quarterly report within ten days after the last day of every third month of the calendar year, to the sheriff of the county or city and county in which such dealer does business, giving the name of each purchaser of explosives during the preceding quarter, and the amount of explosives sold to each purchaser, accompanied by the permits authorizing such sales, and every person who has obtained any explosive under a permit shall report to the sheriff from whom his permit was obtained, within ten days after the end of each month, the amount of explosives remaining on hand at the end of each such month until the same has been entirely used and consumed.

SECTION 4. Any person, firm or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a term not less than ten days or more than one hundred days, or by both such fine and imprisonment, and one-half of the moneys collected from any fine shall be paid to the person or persons assisting in the arrest and conviction of the violator.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 128

[H. B. No. 21]

AN ACT PROVIDING PENSIONS FOR CERTAIN PERSONS HEREIN NAMED, AND AUTHORIZING AND DIRECTING THE COUNTY OF MAUI TO PAY THE SAME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the County of Maui is hereby authorized and directed to pay each month, out of such funds as may be properly chargeable therewith, beginning with the month of July, 1929, for the term of the respective lives of said beneficiaries under this Act, the sums set opposite their respective names as follows:

Mrs. Ellen Nakaiewalu Wilcox	\$100.00
William Henning	100.00
George Copp	100.00
Joe Morris	40.00
Mrs. J. W. Kalua	35.00
John Saffery	20.00
James Kaea, Sr.	20.00

SECTION 2. This Act shall take effect July 1, 1929.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 129

[H. B. No. 93]

AN ACT MAKING AN ADDITIONAL APPROPRIATION FOR TRANSPORTATION AND HOUSING PRISONERS AND THE PURCHASE OF TOOLS AND EQUIPMENT FOR LABOR AND USE ON THE WAIAKEA AIRPORT, HILO, HAWAII, OR AT ANY OTHER PLACE DESIGNATED BY THE ATTORNEY GENERAL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of ten thousand dollars (\$10,000.00) in addition to the appropriation made by Act 277 of the Session Laws of 1927, is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii to cover the expenses of transportation and properly housing prisoners as may be detailed, pursuant to Section 1523 of the Revised Laws of Hawaii 1925, in the district of South Hilo, County of Hawaii, for labor upon the airport set aside by executive order of the Governor as such at Waiakea, District of South Hilo, County of Hawaii, and for the development and improvement of said airport and for purchase of necessary tools and appliances for that purpose, and for

1/31, 1929 79

transportation and proper housing of prisoners as may be detailed for labor upon a public project at any other place designated by the Attorney General, and for the purchase of necessary tools and appliances for such project.

SECTION 2. The moneys hereby appropriated shall be expended under and pursuant to the provisions of Act 277 of the Session Laws of 1927.

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 130

[H. B. No. 222]

AN ACT TO EXEMPT FROM TAXATION CERTAIN LANDS USED IN THE PLANTING OF COFFEE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All leased lands hereafter opened up for and actually and solely used in, the planting of coffee and in the cultivation thereof after such planting, shall, together with such coffee, be exempted from taxation during any taxation year, within a period of five years from the day on which the first planting commences, for which taxation year no rental in any form is chargeable to or payable by any tenant of such lands. The term "tenant" shall include any lessee, sub-lessee, tenant, sub-tenant, assignee, or other person holding, directly or indirectly, from, of, under, or through the owner of such lands.

Lands hereafter opened for, and actually and solely used in the planting of coffee and in the cultivation thereof after such planting, by the owner of such lands, shall, together with such coffee, be entitled to the same exemption as hereinabove provided for, for such part of the exemption period hereinabove mentioned during which such lands (a) shall be retained in the control of the owner or owners thereof (including persons taking the same by devise or inheritance, and bona fide purchasers thereof), or (b), if leased during such period, shall be rent free as hereinabove provided.

SECTION 2. This Act shall take effect on and after January 1, 1930.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 131

[H. B. No. 247]

AN ACT TO PROVIDE FOR THE REFUNDING OF TAX MONEYS ILLEGALLY COLLECTED IN THE COUNTY OF HAWAII IN AND FOR THE YEARS 1927 AND 1928, AND THE CANCELLING OF UNPAID AMOUNTS OF TAXES ILLEGALLY CLAIMED BY THE TERRITORY IN SAID COUNTY FOR SAID YEARS, RATIFYING PAYMENTS TO SAID COUNTY ON ACCOUNT OF TAXES ILLEGALLY LEVIED IN SAID YEARS, AND PROVIDING FOR THE RE-ADJUSTMENT OF THE 1929 TAX RATE FOR SAID COUNTY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the territory is hereby authorized and directed, out of all tax moneys held by him in a special account under Section 1444 of the Revised Laws of Hawaii 1925, representing payments made under protest by taxpayers of the third taxation division of taxes claimed by the government for the year 1927 in said division by virtue of the levy, of a tax for subdivision 2 of Section 1315 of the Revised Laws of Hawaii 1925, as amended, to repay said moneys to the taxpayers who paid the same under protest, according to the respective amounts paid by each of said taxpayers. Such payments shall be made in accordance with the provisions of Section 1444 of the Revised Laws of Hawaii 1925, and all payments of such refunds heretofore made, independently of this Act, to taxpayers of said division, are hereby ratified and confirmed.

SECTION 2. The treasurer of the territory is hereby authorized and directed, out of the surplus moneys in the treasury of the territory, representing tax collections in the County of Hawaii in or for the year 1928 in excess of the legal requirements of and payments made to said county for said year, which surplus is hereby appropriated for said purposes, to pay and refund:

(a) To each taxpayer of the County of Hawaii who paid real and personal property taxes in and for the year 1928 in said county, in excess of such amount as would have been yielded by a tax rate of 3.9881 per centum for said year in said county, the amount of such excess payments;

(b) To each taxpayer in said county who paid real and personal property taxes in and for the year 1927 in said county, in excess of such amount as would have been yielded by a tax rate of 3.5930 per centum for said year in said county, the amount of such excess payments (not including, however, the payments mentioned in Section 1 of this Act).

Such payments shall be made upon warrants drawn by the auditor of the territory, based upon vouchers approved by the tax as-

essor of the third taxation division. Any delinquent penalties collected in said division upon any amount herein required to be refunded, shall also be included in computing the amount of refund due to any taxpayer.

The assessor of the third taxation division shall, as soon as possible, furnish to the treasurer of the territory a statement showing the amount of refunds (other than those mentioned in Section 1 of this Act), due to taxpayers in said division under this section for (a) taxes illegally collected for the year 1927 in said division, and (b) taxes illegally collected for the year 1928 in said division. If such statement be received by the treasurer of the territory prior to the fixing of the tax rate for real and personal property taxes for the year 1929 and within sufficient time for that purpose, the treasurer shall apply the balance, if any, of such surplus moneys, above mentioned, over and above the amounts required for such refunds, to or on account of the requirements of said county to reduce the tax rate for said county for the year 1929 in the manner provided by the last paragraph of Section 1380 of the Revised Laws of Hawaii 1925, as amended by Act 192 of the Session Laws of 1925; otherwise, such surplus, if any, shall be withheld until the correct amount of such refunds due shall be definitely ascertained, and shall thereupon be dealt with in the same manner as other tax moneys.

SECTION 3. The assessor of the third taxation division is hereby authorized and directed to cancel on the tax books of said division: (a) any unpaid claims of the territory for real and personal property taxes for the year 1927, against any taxpayer in said division, in excess of such amount as would be yielded by a tax rate of 3.5930 per centum for said year in said division; and (b) any unpaid claims of the territory for real and personal property taxes for the year 1928, against any taxpayer in said division, in excess of such amount as would be yielded by a tax rate of 3.9881 per centum for said year in said division.

SECTION 4. All payments made by the treasurer of the territory to the County of Hawaii on account of taxes collected for the years 1927 and 1928, respectively, in excess of the legal requirements of said county for said respective years, are hereby validated and ratified in all respects to the same extent as if said payments had been made on account of and within the legal requirements of said county for said respective years.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 132

[H. B. No. 295]

AN ACT PROVIDING FOR THE REIMBURSEMENT FOR LOSSES SUSTAINED BY CERTAIN INMATES OF McVEIGH HOME, KALAUPAPA, MOLOKAI, SUFFERED IN THE TOTAL DESTRUCTION OF SAID HOME BY FIRE, AND APPROPRIATING MONEY THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of the general fund of the Territory of Hawaii the sum of two thousand four hundred three and 83/100 dollars (\$2,403.83) for the purpose of reimbursing the following named persons in the amounts set opposite their names for losses sustained by them in the destruction by fire of the McVeigh Home, Kalaupapa, Molokai:

Henry Meine.....	\$ 38.25
George Lugan	315.83
Mrs. Fetter	91.50
Mrs. M. R. Lloyd.....	23.10
Mrs. Haleamau	82.87
Antone R. Silva.....	43.13
Joseph Aiona	141.23
Walter Wittrock	56.03
Joe Rodrigues	16.03
Mary Rosa	19.25
C. Will	34.00
John J. Alberts	48.00
Harold S. Weight and Mrs. Weight	132.75
Louis Kuhlman, Jr.	36.53
H. McCubbin	24.63
Antone de Cambra	3.50
Jack Sing	190.50
Daisy Bell	897.45
John Robello	53.87
Isaac Roback	23.25
Henry Hatori	132.13

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 133

[H. B. No. 318]

AN ACT TO AMEND SECTION 3349 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PREFERRED STOCK OF CORPORATIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3349 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3349. Preferred stock. Any company incorporated under the laws of the territory with power to issue stock may issue two or more classes of stock with such preferences, voting powers, restrictions and qualifications thereof as shall be fixed in the resolution authorizing the issue thereof, by the vote of three-fourths of all its stock, or if two or more classes of stock have been issued, of three-fourths of each class of stock outstanding and entitled to vote. A certified copy of said resolution shall be filed in the office of the treasurer of the territory."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 134

[H. B. No. 343]

AN ACT TO PROVIDE FOR THE RELEASE OF PUPILS FROM THE PUBLIC SCHOOLS OF THIS TERRITORY TO ATTEND CLASSES IN RELIGIOUS EDUCATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The department of public instruction shall provide for the release of, and shall release, any pupil in any public school of this territory from attendance at the public school for a period not to exceed sixty minutes each week during the school year, on such days and during such school hours as the department shall designate, for the purpose of receiving religious instruction from the religious organization of his choice when such release is requested in writing by a parent, guardian, or other person having custody or control of such pupil.

SECTION 2. Actual attendance at the sessions of such religious instruction shall count as attendance at the public schools of this territory for all purposes where attendance forms the basis of computation.

SECTION 3. The privilege of such release shall be withdrawn by the department in case the pupil does not actually attend the sessions of religious instruction.

SECTION 4. No teacher of the public schools shall participate in such religious instruction during the school hours for which he or she is employed to teach in the public schools, and no public funds shall be used directly or indirectly for such religious instruction.

SECTION 5. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 135

[H. B. No. 372]

AN ACT TO AMEND CHAPTER 189 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 3368A, RELATING TO FILING OF CERTIFICATES OF CHANGE OF PAR VALUE OF SHARES OF CAPITAL STOCK.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A new section, to be known as Section 3368A, is hereby added to Chapter 189 of the Revised Laws of Hawaii 1925, as follows:

"Section 3368A. Certificate on change of par value of shares. No increase or decrease in the par value of the shares of the capital stock of any corporation shall be legal and effective unless a certificate thereof shall first have been filed in the office of the treasurer of the territory signed by the president and secretary of the corporation showing (1) the present par value and number of the shares of the capital stock and if two or more classes of stock have been authorized the present par value and number of shares of each class) and (2) the par value and number of shares of each class of stock as changed; which certificate shall be accompanied by payment of the fee required to be paid for filing such certificate. The treasurer shall not receive or file any such certificate without such payment.

[Sic]

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 136

[H. B. No. 377]

AN ACT AUTHORIZING THE CONSTRUCTION OF A ROAD FROM KALANIANA'OLE STREET TO PIER NUMBER 3, SOUTH HILO, HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of harbor commissioners is hereby authorized to spend the sum of four thousand dollars (\$4,000.00) from that item in the general appropriation Act of 1927, being Act 263, Session Laws of Hawaii 1927, under the heading "Board of harbor commissioners" listed as "Maintenance, additions, landings, wharves and pipe lines" for the construction of a road from Kalaniana'ole Street to Pier No. 3, and running between Lots 2 and 3, Waiakea Warehouse Lots, South Hilo, Hawaii.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,

Governor of the Territory of Hawaii.

ACT 137

[H. B. No. 379]

AN ACT TO AMEND CHAPTER 19 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 189A, CONCERNING INVENTORIES OF GOVERNMENT ASSETS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 19 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section to be known as Section 189A, and to read as follows:

"Sec. 189A. It shall be the duty of every officer, head of department, agent, employee and other person in the employ of the city and county and/or county, having in his or her custody or under his or her control or in anywise using property belonging to the city and county and/or county, in the month of January of each year to prepare and file with the board of supervisors of the city and county and/or county a return or inventory, sworn to before a person authorized by law to administer oaths, contain-

ing a full, true and complete list of detailed items of all property of whatsoever nature (as of January 1 of each year for which such return or inventory is made) belonging to the city and county and/or county, and in the possession, custody, control or use of said officer, head of department, agent, employee and/or other person so making the return or inventory, and/or the offices or departments over which he or she presides, and containing further opposite each item a statement of the full cash value of the property therein named according to the best knowledge, information and belief of the said officer, head of department, agent, employee and/or person making such return or inventory."

SECTION 2. Whoever fails to comply with the requirements of Section 1 of this Act, shall be punished by a fine of not less than one hundred dollars (\$100.00).

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 138

[H. B. No. 386]

AN ACT RELATING TO UNCLAIMED BAIL AND BOND MONEYS AND THEIR DISPOSITION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All money deposited by way of bail and/or bond, in any proceeding before any court, which has not been declared forfeited, and not claimed within two years after the final disposition of the cause or action in which such money was deposited, shall, after due notice to the person who has deposited same, by the then custodian of such money and upon order of court, be paid over to the city and county, or county, in which said money was originally deposited, and become a government realization.

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 139

[H. B. No. 389]

AN ACT TO REGULATE THE SIZE OF MESH OF THROW NETS IN
FISHING IN THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. It shall be lawful for any citizen of the United States, when fishing in any of the waters within the jurisdiction of the Territory of Hawaii to use any throw net with a mesh of not less than one and one-half inches stretched measure; provided, however, that the fish caught thereby is used solely for home consumption.

SECTION 2. Any person violating any of the provisions of this Act shall be punished by a fine of not more than two hundred dollars, or by imprisonment for not more than fifty days, or by both such fine and imprisonment.

SECTION 3. One-half of any fine collected under the provisions of this Act shall be paid by the court or officer collecting the same to any person who is not a police officer, fish and game warden, or agent of the board of commissioners of agriculture and forestry, and who assists in the arrest and conviction of the offender paying such fine.

SECTION 4. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 140

[H. B. No. 392]

AN ACT TO AMEND SECTION 1870 OF THE REVISED LAWS OF
HAWAII 1925, RELATING TO THE PAYMENT OF DISTRICT IM-
PROVEMENT BONDS BEFORE MATURITY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1870 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

“Section 1870. Payment before maturity. On and after the second interest due date of any bonds so issued and annually thereafter, whenever sufficient funds are in the hands of the

city and county treasurer, exceeding the next interest payment on the unpaid balance of any bonds so issued, the board may direct the treasurer, by resolution, to call for payment, by advertisement for not less than five days in some newspaper of general circulation published in Honolulu and/or other places, such a number of bonds as there are funds to pay; and in each such case the bonds to be called for payment shall be those of the lowest outstanding serial numbers, which serial numbers shall be specified in the advertisement so published. At the expiration of thirty days from the first publication of such notice interest on the bonds so called for payment shall cease; and the moneys provided for the payment of said bonds with the interest unpaid to the date of their call for payment shall be set aside by the treasurer in a special deposit to which fund only the owners of the said bonds shall thereafter look for payment."

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 141

[H. B. No. 396]

AN ACT TO VALIDATE AN AGREEMENT FOR REFUND AND DISCHARGE OF CERTAIN PROPERTY TAXES ASSESSED TO THE LILIUOKALANI TRUST IN THE YEAR 1921.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Territory of Hawaii and the City and County of Honolulu having in the years 1920 and 1921 condemned for public use and taken over certain lands owned by the Liliuokalani Trust (an eleemosynary trust created by Her Majesty, Liliuokalani, for the relief of orphans in the Territory of Hawaii), to-wit: (a) the property known as "Washington Place" on Bere-
tania Street in Honolulu, (b) a parcel of land for street purposes in Kakaako, and (c) a parcel of land for street purposes in Palolo Valley, on account of which properties taxes for the year 1921 were assessed against the trustees of the Liliuokalani Trust, and on account of which assessments, payments were made by and refunds made to the trustees of the Liliuokalani Trust pursuant to an agreement that the government would waive the pro rata of said taxes from the time of taking of said lands; and doubt having arisen whether said assessments were legally discharged by said agreement and refunds, by reason whereof an amount

of seven hundred twenty-eight and 70/100 dollars (\$728.70) still stands as for uncollected 1921 taxes against the Liliuokalani Trust, with alleged penalties, interest and costs; the said agreement for discharge of said taxes ratably apportioned for the period of governmental ownership of said lands, to the extent of said sum of \$728.70 (with all amounts incidental thereto for penalties, interest and costs) is hereby validated and confirmed, and said claim for alleged delinquent taxes is hereby discharged.

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 142

[H. B. No. 210]

AN ACT TO AMEND SECTION 2158 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO WEIGHTS AND MEASURES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2158 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2158. Fees. The charges for testing and certification shall be as follows: for scales from one to thirty pounds weight capacity, fifty cents; for scales from thirty to three hundred pounds weight capacity, one dollar and twenty-five cents; for scales from three hundred to one thousand pounds weight capacity, two dollars; and for scales over one thousand pounds weight capacity, two dollars and fifty cents; for measures of extension, fifty cents; for pump or pumping measure or appliance, fifty cents; for any other appliance as used for weighing or measuring and not specifically mentioned herein, fifty cents; provided, however, that no charge shall be made for more than two inspections in any one year; all fees collected under the provisions of this chapter shall be paid into the treasury of the county or city and county for which the inspection, testing and sealing is made, as a municipal realization."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 143

[H. B. No. 316]

AN ACT TO AMEND SECTIONS 4399 AND 4400 OF CHAPTER 273 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO VEHICLE LIGHTS, BY ENLARGING THE PROVISIONS REGULATING AND REQUIRING PROPER LIGHTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4399 of Chapter 273 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 4399. Vehicle lights. (1) For motor vehicles. (a) From thirty minutes after sunset until thirty minutes before sunrise, every motor vehicle moving upon any public highway shall carry at the front thereof at least two lighted head lamps of equal candle power, and so arranged, adjusted and constructed that, when the motor vehicle is fully loaded, any pair of headlights under the conditions of use must produce a light sufficient to reveal any person, vehicle or substantial object on the highway straight ahead of such motor vehicle for a distance of two hundred feet.

"Such light when measured at a distance of one hundred feet directly in front of the motor vehicle and at a height of sixty inches above the level surface on which the motor vehicle stands, shall not exceed two thousand four hundred apparent candle power, nor shall this candle power be exceeded at a greater height than sixty inches.

"When measured at a distance of one hundred feet ahead of the motor vehicle and seven feet or more to the left of the axis of the same, and at a height of sixty inches above the level surface on which the motor vehicle stands, such light shall not exceed eight hundred apparent candle power.

"(b) During the time hereinbefore specified, every motorcycle while moving on a public highway shall carry, at the front thereof, at least one lighted head light which shall give a light of such power and so distributed as provided in subdivision (a); provided, however, that any motorcycle with a sidecar or similar contrivance attached shall, in addition to the foregoing required light, carry on such sidecar or similar contrivance a lighted lamp visible from a point at least two hundred feet ahead of said motorcycle.

"(c) All devices or adjustments used in connection with lights upon motor vehicles to enable the same to comply with the provisions hereof, shall not be used until approved by the sheriff of the county or city and county wherein such vehicle is registered.

"The cost of testing any device shall be borne by the person submitting the same; provided, however, that this cost shall not exceed the sum of fifty dollars (\$50.00).

"(d) No person shall drive, operate or propel a motor vehicle without an approved device or adjustment upon its headlights unless the said headlights shall have been tested and approved by the sheriff of the county or city and county wherein such vehicle is registered. The cost of testing shall be borne by the person offering the same for test as provided in subdivision (c).

"(2) For bicycles. At the time specified in subsection (1), every bicycle while on a public highway shall carry a lighted lamp visible at all times at least two hundred feet in the direction toward which such bicycle is faced, and shall also carry at the rear a reflex mirror or a lighted lamp exhibiting a red light plainly visible for a distance of at least two hundred feet toward the rear.

"(3) For loads. In any case where a vehicle shall be loaded with any material in such a manner that any portion of such load extends toward the rear four feet or more beyond the rear of the bed or body of such vehicle, there shall be displayed at the extreme end of such load, at the times and under the conditions hereinbefore specified, in addition to the ordinary rear or tail light hereinbefore required to be displayed on such vehicle, a red light plainly visible under ordinary atmospheric conditions at least two hundred feet from the rear; provided, further, that at other times while such vehicle is upon the public highway, a red flag or cloth not less than sixteen inches square shall be displayed at the extreme rear of said load.

"(4) For other vehicles. All vehicles other than those specified in subsections (1) and (2) shall during the time mentioned in said sections when upon the public highway, carry a lighted light on the extreme width of each side so arranged that a light from the lamps shall be visible in every direction at at least two hundred feet.

"(5) Spot lights. No spot light shall be used in any city, town or village, and no spot light shall be so used as to shine in the eyes of the drivers of approaching passing vehicles, and when used every spot light must be turned off not less than two hundred feet from an approaching vehicle.

"(6) Tail lights on vehicles. From thirty minutes after sunset to thirty minutes before sunrise, at any time while a vehicle is on any public highway, there shall be displayed at the rear a tail light which shall display a red light visible not less than two hundred feet from the rear thereof, and so constructed and placed in those cases, where a registration number plate is required by law to be carried on the rear thereof, that the same shall be illuminated by a white light in such manner that the regis-

tration number thereon can be plainly distinguished at a distance of not less than fifty feet toward the rear."

SECTION 2. Section 4400 of Chapter 273 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 4400. Motor vehicle light tests; penalties. The use and/or operation of any motor vehicle not equipped with lights in conformity with the provisions of Section 4399 upon the public highways of the territory is hereby prohibited during the period specified in paragraph (a) of subdivision (1) of Section 4399.

"The violation of any of the provisions hereof and/or of Section 4399, shall constitute a misdemeanor, and any person upon conviction thereof shall be subject to a fine not exceeding ten dollars (\$10.00). Each violation shall be deemed a separate offense, and a subsequent violation of the same provision shall be subject to twice the fine imposed upon the prior conviction therefor."

SECTION 3. All laws and/or parts of laws inconsistent herewith are hereby repealed.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 144

[S. B. No. 72]

AN ACT TO AMEND SECTION 1762 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 198 OF THE SESSION LAWS OF 1927, RELATING TO SALARIES OF ELECTIVE OFFICIALS.

D. P. 323

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1762 of the Revised Laws of Hawaii 1925, as amended by Act 198 of the Session Laws of 1927, is hereby amended so that the line now reading,

"sheriff	4,800.00"
shall read,	
"sheriff	6,600.00"
and the line now reading,	
"treasurer	4,800.00"
shall read,	
"treasurer	5,400.00"
and the line now reading,	
"city and county clerk	4,800.00"
shall read,	
"city and county clerk	5,100.00"
and the line now reading,	
"auditor	4,800.00"
shall read,	
"auditor	5,100.00"

SECTION 2. This Act shall take effect July 1, 1929.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 145

[S. B. No. 48]

AN ACT TO REGULATE THE OCCUPATION OF BEAUTY CULTURE AND HAIRDRESSERS, TO CREATE A TERRITORIAL BOARD OF EXAMINERS FOR THE LICENSING OF PERSONS TO CARRY ON AND TO TEACH SUCH PRACTICES, TO INSURE THE BETTER EDUCATION OF SUCH PRACTITIONERS, TO PROVIDE RULES REGULATING THE PROPER CONDUCT AND SANITATION OF BEAUTY CULTURE AND HAIRDRESSING ESTABLISHMENTS AND SCHOOLS FOR THE PROTECTION OF THE PUBLIC HEALTH, AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. It shall be unlawful for any person in the Territory of Hawaii to engage in and to follow or to attempt to engage in and to follow the occupation of a hairdresser, cosmetician and cosmetologist except in a hairdressing or cosmetician and cosmetologist establishment or school, and unless he or she shall have first obtained a certificate of registration as provided by this Act. Provided, however, that operators duly registered under this Act and hired or employed in a hairdressing, cosmetician or cosmetologist establishment may practice outside of such establishment under the direction and control of an owner or manager thereof.

SECTION 2. Classifications for the purpose of this Act. The following classifications of practices shall be adopted and understood to define practitioners within the meaning of this Act:

Class A—Any person who engages for compensation in any one or any combination of the following practices, to-wit: arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work, upon the hair of any person by any means, shall be construed to be practicing the occupation of a hairdresser.

[Sic]

Class B—Any person who, with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, engages for compensation, in any one or any combination of the following practices, to-wit: massaging, cleansing, stimulating, manipulating, exercising, beautifying, or similar work, the scalp, face, neck, arms, bust, or upper part of the body, or manicuring the nails, or removing of superfluous hair, by the use of electricity or otherwise, about the body of any person, shall be construed to be practicing the occupation of a cosmetician or cosmetologist; provided, that nothing in this Act shall be construed as applicable to barbers in the ordinary practice of their vocation, which shall include, but without

limitation upon the generality of the foregoing, haircutting, shaving, facial or scalp massage, either by hand or by electrical or mechanical apparatus or appliances, singeing and dyeing of hair, mustache or beard, the application and use of lotions, hair oils, cosmetics, tonics and creams and/or shampooing.

SECTION 3. For the purpose of this Act, the following definitions shall be adopted and understood to be included within the meaning of this Act:

(a) An apprentice or student is a person who is engaged in learning or acquiring within a hairdressing, cosmetician or cosmetologist establishment or school and while so learning assists in any of the practices of the classified occupations within this Act; under the immediate direction and supervision of a registered operator or instructor;

(b) An operator is a person, not an apprentice, who engages in and follows any of the practices of the classified occupations named within this Act;

(c) A hairdressing or cosmetician and cosmetologist shop shall be construed to mean any premises occupied and used for the purpose of practicing the occupations of a hairdresser, cosmetician and cosmetologist, provided, that when any such shop is conducted in any building used for residential or sleeping purposes, a room or rooms shall be set apart for the practice of the foregoing occupations and shall not be used for any other purpose.

SECTION 4. Creation of territorial board. There is hereby created a territorial board of hairdressers, cosmeticians and cosmetologists consisting of three (3) members, one of whom shall be a hairdresser, one a cosmetician and the third a cosmetologist. The Governor shall appoint the members of such board in the manner prescribed in Section 80 of the Organic Act. Such members must have at least three (3) years practical experience in their respective occupations, shall be citizens of this Territory and shall not be members of, nor affiliated with any school teaching any of the classified occupations, nor shall teach any of the classified occupations named in this Act, while in office, nor shall any two members of said board be graduates of the same school of hairdressers, cosmeticians and cosmetologists or practitioners of the same system or method. Each member of said board shall serve a term of two (2) years, and until his successor is appointed and qualified, except in the case of the first board whose members shall serve one (1), two (2) and three (3) years, respectively, and shall take the oath provided for public officers. Vacancies shall be filled by the Governor for the unexpired portion of the term.

SECTION 5. Registered schools.

(a) It shall be competent for any person, firm or corporation to apply to the said board for a certificate of registration as a school of any of the practices of the classified occupations within this Act, upon the payment of a reasonable annual registering fee as determined annually by the said board for each of the classified occupations or any of the practices thereof;

(b) No school for hairdressers, or cosmeticians or cosmetologists within this Act shall be granted a certificate of registration unless it shall attach to its staff a regularly licensed physician and employ and maintain a sufficient number of competent instructors, registered as such, who shall hold an operator's license as uniformly prescribed by the said board and shall require a course of training not less than six hundred (600) hours for each of the two classified occupations, or a proportioned number of hours as approved by the said board, for any of the practices of the classified occupations, as defined within this Act, to include both practical demonstrations, written and oral tests, and include practical instructions in sanitation, sterilization, and the use of antiseptics consistent with the practical and theoretical requirements as applicable to the classified occupations as provided in this Act;

(c) No school, as provided in this Act, shall operate within this Territory unless a proper certificate of registration under this Act has first been obtained. Nothing contained in this section shall prohibit registered operators within a hairdressing, cosmetician and cosmetologist establishment from teaching any of the practices of the classified occupations in their regular course of business, and provided the owners or managers thereof do not hold themselves out as a school, and do not hire or employ or teach, regularly, at any one and the same time, more than one apprentice to three or less operators, regularly employed within their business.

SECTION 6. Organization of board. The said board shall have a president, secretary and treasurer who shall be elected annually from among its members. The office of secretary and treasurer may be filled by the same member, as said board may determine. The president and secretary shall have the power to administer oaths.

SECTION 7. Salary of secretary. The secretary of said board shall receive an annual salary, not to exceed \$120.00, to be fixed by the board, and his or her necessary expenses actually incurred in the performance of the official duties.

SECTION 8. Bond of treasurer. The treasurer of said board shall give a corporate surety bond payable to the board, in the

sum of \$3,000.00, approved by the said board, conditioned for the faithful performance of the duties of this office. Such bond shall have the approval of the board and have the oath of office endorsed thereon, shall be deposited with the president of the board, and kept in his office.

SECTION 9. Meetings of the board. The said board shall meet in the Capitol of the Territory, on the second Tuesday in January and July, of each year, and at such other times and places as the board may direct. The majority members of the board shall constitute a quorum for the transaction of business. The board shall prescribe rules for its government and have a seal with which to authenticate its acts.

SECTION 10. Records of board. The said board shall keep a record of its proceedings. It shall keep a register of applicants for certificates, showing the name of the applicant, the name and location of his place of occupation or business, and whether the applicant was granted or refused a certificate. The books and records of the board shall be prima facie evidence of matters therein contained, and shall constitute public records.

SECTION 11. Application for examination. Each person, who desires to practice any of the occupations designated to be within the meaning of this Act shall file with the Secretary of the said board a written application, under oath, on a form prescribed and supplied by said board, and shall submit satisfactory proof of the required age, educational qualifications, and of good moral character, and shall deposit with the secretary the required fees.

SECTION 12. Requisites for admission to examination and registration. The secretary of the board shall determine the sufficiency of the preliminary qualifications of applicants for admission to examinations and registration. The following preliminary qualifications shall be sufficient:

(a) Apprentices or students shall, while learning or acquiring any of the practices of the classified occupations, be at least sixteen (16) years of age, of good moral character and have an education equivalent to the completion of the eighth grade of the grammar school;

(b) Operators may be registered in any of the practices or the classifications under this Act upon the payment of the examination fee of \$10.00 for each of the practices or the classifications or any one or any combination of the practices or the classifications as application is therefor made, providing they are of good moral character and have an education equivalent to the completion of the eighth grade of grammar school and shall have served the required time, as determined by the board for any one or com-

bination of the practices, but not less than six (6) months for each of the classifications, under the supervision of a registered operator or instructor, as an apprentice, or shall have had the required training in a registered school, but not less than 600 hours for each of the two of the classifications as defined in this Act, and shall have passed an examination to the satisfaction of the board as provided in this Act, provided, however, that on and after two years after the passage of this Act the additional educational qualifications required of applicants as herein provided, shall be equivalent to the completion of the first year of high school, and further provided, that the applicants for the examination to practice for the removal of superfluous hair, by the use of electricity, and commonly known and defined as the practice of electrolysis, shall have an additional training under the supervision of a registered operator or instructor of at least 600 hours including such other reasonable studies as the said board may prescribe;

(c) Instructors in a school may be registered as such upon the payment of a fee of \$10.00 and upon complying with all other requirements applicable to them as provided for in this Act, and referring to operators. Instructors duly registered under any limited medical practice act, need not be holders of operators' certificates as provided for under this Act.

SECTION 13. Admission to examination. If the said board finds that the applicant has obtained the credentials necessary for admission to the examination, the board shall admit such applicant to examination, or registration.

SECTION 14. Examination. The examination of applicants for certificates to practice under this Act shall be conducted under rules prescribed by the said board, and shall include both practical demonstrations and written or oral tests and shall not be confined to any specific system or method, and such examinations shall be consistent with the practical and theoretical requirements of the classified occupations, as provided by this Act.

SECTION 15. Certificates. If an applicant to examination for operator passes such examination in any one or any combination of the practices or either or both of the classifications within this Act to the satisfaction of said board, and has paid the fee required, or any instructor pays the required fee and complies with the requirements pertaining to them, as provided in this Act, the board shall issue a certificate to that effect, signed by the president and secretary and attested by its seal. Such certificate shall be evidence that the person to whom it is issued is entitled to follow the practices stipulated therein as prescribed in this Act. Such certificates shall be conspicuously displayed in his or her principal office, place of business or employment.

SECTION 16. The board may call to its aid any person or persons of established reputation and known ability in the practices as provided for in this Act, for the purpose of conducting examinations, inspections and investigations of any or all persons, firms or corporations affected by this Act. Such aid shall not be connected with any school teaching any of the occupations under this Act.

356 SECTION 17. When board may dispense with examination. The board may dispense with examinations of applicants as provided in this Act and may grant certificates of registration under the respective sections upon the payment of the required fees as provided in this Act, provided that such applicant has complied with the requirements of another state, territory, district of Columbia, or foreign country, state or province wherein the requirements of the state of registration are substantially equal to the requirements then in force in this Territory.

SECTION 18. Exemptions. All persons who are engaged in the actual and continuous practice or any of the practices of the classified occupations named in this Act prior to the passage of this Act, shall be entitled to a certificate to practice under this Act, without an examination and shall be exempted from the provisions of this Act, or any person who, prior to the passage of this Act, was studying any of the classified occupations, shall be credited with the time or hours spent in the study of the practices or classified occupations, provided that application for such certificate or credit is filed within sixty days after the taking effect of this Act, and upon the payment of the fees as provided in this Act.

SECTION 19. Powers and duties of the board. (1) The said board, created by this Act, shall have the power to revoke and suspend certificates, provided in this Act, upon proof of violation of the rules and regulations established by the said board governing the classified practices under this Act;

(2) The board may refuse to grant a certificate to a person guilty of fraud in passing the examination or at any time guilty of felony or gross immorality, grossly unprofessional or dishonest conduct or to one addicted to liquor or drug habits to such a degree to render him or her unfit to practice in any of the occupations classified under this Act, or to one advertising by means of knowingly false or deceptive statements, or for the failure to display the certificates as provided in this Act;

(3) The said board shall have the power to require the attendance of witnesses and the production of such books, records and papers as either may desire at any hearing of any matter which the board has authority to investigate, and for the purpose either

may require the secretary of the board to issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers directed to the sheriff of the county or the city and county where such witness resides or is found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the sheriff and witnesses shall be the same as that allowed in the common pleas court in criminal cases. Fees and mileage shall be paid from the fund in the territorial treasury for the use of the board in the same manner as other expenses of the said board are paid.

SECTION 20. The territorial Board of Health shall prescribe such sanitary rules as it may deem necessary, with particular reference to the precautions necessary to be employed to prevent the creating and spreading of infectious and contagious diseases.

SECTION 21. Hearing may be held by any member. Any investigation, inquiry or hearing, which the said board is empowered by law to hold or undertake may be held or undertaken by or before any member or members of the said board, and the finding or order of such member or members of said board shall be deemed to be the finding or order of said board when approved and confirmed by it.

SECTION 22. Appeal from actions of the board. An appeal may be taken from an action of the said board refusing to grant or suspending or revoking a certificate for the causes mentioned in the preceding section to the circuit court of the county or the city and county in which the person who has been refused a certificate or whose certificate has been suspended or revoked resides. The judgment of the circuit court may be reviewed by the Supreme Court upon proceedings in error.

SECTION 23. Fees. The fees for examination and certificate, as provided in this Act, shall be paid in advance to the treasurer of the board, and by him paid into the territorial treasury to the credit of a fund for the use of the said board. On failure to pass an examination, the fees shall not be returned to the applicant, but within one year after such failure, he or she may present him or herself and be again examined without the payment of an additional fee. All such fees so deposited are hereby appropriated for the use of the board and shall be disbursed by said treasurer upon warrants issued by the auditor, based upon vouchers approved by the board.

SECTION 24. To whom provisions in this Act shall not apply. Nothing in this Act shall prohibit service in case of emergency, or domestic administration, without compensations nor services

by persons authorized under the laws of this Territory to practice medicine, surgery, dentistry, or chiropody, nor services by barbers lawfully carrying on their particular profession or business or under any valid existing Act of this Territory regulatory thereof.

SECTION 25. Display of certificate. Every holder of a certificate granted by the said board, as provided in this Act, shall display it in a conspicuous place in his or her principal office, place of business or employment.

SECTION 26. Renewal of certificates. The holder of a certificate issued by the board as provided in this Act, who continues in active practice of occupations, shall annually, on or before the first day of December, renew his or her certificate and pay the renewal fee. A certificate which has not been renewed during the month of November in any year shall expire on the 31st day of December in that year. The holder of the expired certificate may have, within three years of the date of expiration, the certificate restored upon due application therefor and payment of the required fees as provided in this Act.

SECTION 27. Duration of certificates; renewal fees. No certificate shall be issued for a longer period than one year, and all certificates shall expire on the 31st day of December, next succeeding, unless renewed for the next year, as herein provided, and upon the payment of the following fees for renewal of certificate for operator, \$2.00; renewal of a certificate for instructor, \$2.00.

SECTION 28. Penalties. Any person who shall practice any of the occupations, maintain a school or act in any capacity wherein a certificate is required, without a certificate provided in this Act, shall be guilty of misdemeanor, shall be fined not to exceed \$100.00, or shall be imprisoned for no more than 90 days, or both. Each and every day of violation shall be construed a separate offense. All fines and penalties shall be paid into said board treasury within 10 days after payment thereof, and shall inure to the benefit of said board.

19 SECTION 29. It shall be the duty of the Attorney General of this Territory to prosecute all persons charged with the violation of any of the provisions of this Act. It shall be the duty of the secretary of the board, under the direction of the board, to aid attorneys in the enforcement of this Act.

SECTION 30. Wherever the words "said board" are used in this Act it is the meaning and intent in this Act that it refers to the board of hairdressers, cosmeticians and cosmetologists, as created by this Act.

SECTION 31. Repeal of inconsistent Acts. All Acts or parts of Acts in conflict herewith are hereby repealed.

SECTION 32. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

SECTION 33. This Act shall take effect July 1, 1929.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 146

[H. B. No. 332]

AN ACT TO REGULATE THE BUSINESS OF MAKING ABSTRACTS AND CERTIFICATES OF TITLE, AND TO PROVIDE FOR THE LICENSING OF SAID BUSINESS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. After July 1, 1929, no person shall make, sign or certify any abstract or certificate respecting the title to any property in the Territory of Hawaii, for another, nor advertise or hold himself out, either publicly or privately, as a maker of abstracts or certificates of title, unless such person shall be a citizen of the United States of good moral character, and hold a license to engage in the business of making such abstracts and certificates of title under the provisions of this Act, nor shall any company, association or corporation make any such abstract or certificate unless the same shall be signed or certified by a member, officer or employee thereof who shall personally hold such license; provided that no such license shall be required of the registrar of conveyances or any deputy registrar in his office; and provided that this Act shall not apply to legal opinions rendered respecting the title to property by attorneys at law duly licensed to practice in the Supreme Court of the territory.

SECTION 2. The judge of the land court, the registrar of conveyances, and the attorney general of the Territory of Hawaii, shall constitute a board of examiners whose duty it shall be to examine all applicants for licenses under this Act. Said board shall grant licenses to such persons as shall pass an examination satisfactory to said board and in its judgment shall be fit and proper persons to engage in said business; and said board may revoke or suspend any license issued under the provisions of this Act upon proof to its satisfaction of any malpractice, fraud, deceit, gross carelessness or misconduct on the part of the licensee; provided, that no such license shall be revoked or suspended ex-

cept upon due notice to the licensee of the charge against him and an opportunity for him to be heard in defense. The action of the board shall be final and not subject to review or appeal.

SECTION 3. The form of license to be given under this Act shall be substantially as follows:

“TERRITORY OF HAWAII.

LICENSE TO ENGAGE IN BUSINESS OF MAKING ABSTRACTS AND
CERTIFICATES OF TITLE.

....., a citizen of the United States, of good moral character, having been examined and found qualified, is hereby licensed under Act of the Session Laws of Hawaii 1929, to engage in the business of making abstracts and certificates of title to property in the Territory of Hawaii, subject, however, to all present and future laws applicable thereto.

This license is granted and accepted upon the express condition that it may be revoked at any time for any malpractice, fraud, deceit, gross carelessness or misconduct, when proven to the satisfaction of the board of examiners.

Signed at Honolulu, T. H.,,
19.....

.....
Judge of the Land Court.

.....
Registrar of Conveyances.

.....
Attorney General.
Board of Examiners.”

SECTION 4. The board of examiners shall exact a fee of ten dollars for each license granted hereunder, for the benefit of the territory.

SECTION 5. Any person who after July 1, 1929, shall for another make, sign or certify any abstract or certificate of title to property in the Territory of Hawaii, or who shall advertise or hold himself out, either publicly or privately, as a maker of abstracts or certificates of title, without holding an unrevoked license under the provisions of this Act, shall be guilty of a misdemeanor and shall be liable on conviction to a fine of not more than two hundred and fifty dollars (\$250.00) in the discretion of the court.

SECTION 6. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii

ACT 147

[S. B. No. 58]

AN ACT TO AMEND CHAPTER 94 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE ESTABLISHMENT AND MAINTENANCE OF HOSPITALS, SETTLEMENTS AND STATIONS FOR THE CARE AND TREATMENT OF LEPERS, BY AMENDING SECTION 1184 THEREOF, AND ADDING THERETO A NEW SECTION ENTITLED "SECTION 1184-A", PROVIDING FOR THE TREATMENT AND CARE OF PREGNANT MOTHERS AFFLICTED WITH LEPROSY, AND THE DISPOSITION OF THEIR CHILDREN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 94 of the Revised Laws of Hawaii 1925, is hereby amended by amending Section 1184 to read as follows:

"Sec. 1184. Treatment and Care of Persons Afflicted with Leprosy. At every hospital, settlement and station maintained for the treatment and care of persons afflicted with leprosy, there shall be exercised every reasonable effort to effect a cure of such person, and all such persons shall be cared for as well as circumstances will permit, and given such liberties as may be deemed compatible with public safety. Whenever deemed necessary by the Board of Health, such treatment shall be compulsory only in those cases where, in the opinion of the physicians and the Superintendent, said treatment is necessary to save life or prevent obvious physical suffering, and the Board may take such measures as may be necessary to enforce the provisions of this section.

"All such persons shall be treated by physicians or physician selected and designated by the Board, but if deemed compatible with public safety, the Board may, within its discretion, and under such conditions as it may prescribe, permit such treatment to be administered by other physicians or physician selected and employed by such persons. Any person may at any time secure, free of charge, the examination provided for under Section 1186, for the purpose of determining whether or not he is a leper, and in case he is found not to be a leper, the Board, upon request, shall furnish him with a certificate setting forth such fact, the date of the examination, and the name or names of the physician or physicians making such examination."

SECTION 2. Chapter 94 of the Revised Laws of Hawaii 1925, is hereby further amended by adding thereto a new section to be entitled and reading as follows:

"Sec. 1184-A. Treatment and Care of Pregnant Mothers Afflicted with Leprosy; Disposition of Children. Any person in confinement at any place maintained for the treatment and/or

care of lepers who shall become pregnant with child shall be immediately subjected to such necessary examination and care as the Board of Health may prescribe, and within a reasonable time of the possible delivery of child, the mother shall be put under such hospital care and attention as may be necessary to assure a healthy birth. Any child so born shall be immediately put under such care as will eliminate, as far as possible, its contracting the disease of leprosy, and shall at all future times be prohibited from entering any place devoted to the care and treatment of leprosy, except under such conditions as the Board may prescribe, and unless such child shall become afflicted with leprosy."

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 148

[S. B. No. 61]

AN ACT TO AMEND SECTIONS 1 AND 2 OF ACT 230, SESSION LAWS OF 1927, FOR THE PURPOSE OF ASSISTING CRIPPLED SCHOOL CHILDREN AND REQUIRING THE TREASURER TO ADD TO THE TAX RATE TO PRODUCE THE AMOUNT HEREIN APPROPRIATED.

Be it Enacted by the Legislature of the Territory of Hawaii:

2/27/33 SECTION 1. Sections 1 and 2 of Act 230 of the Session Laws of 1927, are hereby amended to read as follows:

"Section 1. The sum of Twenty-five Thousand Dollars (\$25,000.00) is hereby appropriated out of any money in the treasury to the credit of the general school fund, not otherwise appropriated, for the purpose of assisting crippled school children whose parents or guardians, after investigations by the Child Welfare Board, have been found to be unable to keep them in school, to provide for their maintenance while attending school and for their accommodation, and the Treasurer of the Territory shall add to the tax rate for requirements of subdivision 6, of Section 1315 of the Revised Laws of Hawaii 1925, in the year 1927, a rate sufficient to produce one-half of the amount herein appropriated, and in the year 1928, a rate sufficient to produce the other half."

"Section 2. The Superintendent of Public Instruction is hereby authorized to negotiate with private institutions, or with private

families, at a rate not to exceed twenty dollars (\$20.00) per month per child, for the purpose of securing accommodations for such crippled children attending public schools and for their maintenance at such private institution or in private homes, and arrange with transportation companies or individuals for the transportation of such crippled children to and from a public school, excepting those children in institutions in which education is provided, and shall expend the appropriation herein provided for the said purposes."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 149

[S. B. No. 62]

AN ACT TO AMEND SECTIONS 1186, 1192, 1198, 1204, 1207 AND 1208 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LEPER HOSPITALS AND SETTLEMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 1186, 1192, 1198, 1204, 1207 and 1208 of the Revised Laws of Hawaii 1925, are hereby amended to read as follows:

"Sec. 1186. Examination. Any person so reported, or otherwise believed to be a leper, may be examined at any time and place and by any physician or physicians that may be agreed upon by him and the Board of Health or its agent.

"The Board of Health or its agent may, however, instead, require such person to appear at a designated time and place not less than five days thereafter and then and there to submit to an examination by a board consisting of a physician selected by the patient, one skilled in the diagnosis of leprosy selected by the Board of Health, or its agent, and a third physician skilled in the diagnosis of leprosy who shall be selected for his special fitness, to be recommended by the Territorial Medical Association. In the event of the failure of any one of these to designate or recommend a physician, or, in the temporary absence of a physician designated or recommended, the two physicians selected shall select the third physician, and in the event of their failure to agree, the third physician shall be designated by the magistrate of the district. Such boards shall examine patients for the purpose of making a diagnosis to determine eligibility for temporary release

or discharge, and shall make recommendations to the Board of Health as to commitment to a hospital or transfer to the leper settlement, as to temporary release, or discharge, as will best promote public health.

"Physicians designated by the Board of Health, and those recommended by the Territorial Medical Association, may be appointed to serve in certain areas and for certain periods or for certain specified cases of leprosy or of persons suspected of having leprosy.

"The decision and recommendation of a majority of any board of physicians so appointed shall be accepted as the findings of the board.

"If such person so examined is under the age of sixteen years, his parent or guardian, or next friend, may exercise such preference and thereafter represent such person as far as may be for the purposes of this section.

"If, upon such examination, such person is found not to be a leper, the board shall furnish him a certificate setting forth such fact, the date of examination, and the name or names of the physician or physicians making the examination."

"Sec. 1192. Temporary release. The Board of Health shall have full authority, when, in its opinion, it shall deem such course advisable, to permit or direct any person detained at the Kalihi Hospital or at the Settlement at Molokai to go therefrom to such other place or places and for such time or times as the board may designate, but no such direction or permission shall be construed as a discharge of said person under the provisions of Sections 1183-1191. All such persons shall have all the rights and privileges, and be subject to all the obligations of said sections except only as otherwise expressly provided herein.

"The Board of Health is authorized to make such provision as may be necessary from time to time for the treatment of persons temporarily released, for the periodical examination of such person, for return to a hospital, and to declare temporary release at an end if the person so temporarily released fails or refuses to comply with such requirements and the leper officer or any police officer, when requested by the President of the Board of Health, shall forthwith return such leper to the receiving hospital."

"Sec. 1198. Labor of patients by consent. The Board of Health or its agents, with consent of patients, may require such reasonable amount of labor or service as may be approved of by the attending physician."

"Sec. 1204. Control of kokuas and voluntary helpers. Voluntary helpers or kokuas living with lepers segregated by the Board of Health are hereby placed under the control of the said board

and may be prevented by it from inter-mingling with those free from the disease."

"Sec. 1207. Same. The duties to be performed by the kokuas of the lepers shall be that they must take care of the leper or lepers they are there to assist and procure and prepare in a suitable manner all food and other supplies that are furnished by the Territory to the lepers, and attend to the clothing and other things that would contribute to the comfort of the leper or lepers whose kokuas they are. The Superintendent of the Leper Settlement, upon approval by the Board of Health, may require of any kokua reasonable services pertaining to patients other than those whom such kokua is there to assist, for which services they shall be paid such wages as are deemed fair and just by the Board of Health, such wages to be not less than one dollar (\$1.00) per diem. The Superintendent may, with the approval of the Board of Health, expel from the Settlement any kokua refusing to render such service."

"Sec. 1208. Vessels to carry. Vessels, regardless of tonnage, and other common carriers, shall be permitted or required to carry persons suffering from leprosy or other contagious diseases under such restrictions and provisions as may be prescribed by the Board of Health.

"Apartments on steamers or on other common carriers occupied by cases of leprosy or other diseases shall be disinfected in a manner prescribed or approved by the Board of Health."

SECTION 2. All laws and parts of laws, and all rules and regulations having force of law, that are inconsistent with the provisions of this Act are hereby repealed.

SECTION 3. This Act shall take effect on and after July 1, 1929.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 150

[S. B. No. 85]

AN ACT TO AMEND SECTION 325 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PUBLIC INSTRUCTION.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 325 of the Revised Laws of Hawaii 1925, relating to public instruction, is hereby amended to read as follows:

"Sec. 325. Minimum Age. No Child less than six years of age shall attend any public school, and it shall be the duty of all teachers who teach in the first and second grades of the public schools, and all principals of public schools, to enforce this section and to require proof by birth certificate, or certificate of registration, or if none can be obtained, then by other satisfactory evidence, that all children applying for instruction in either of said grades are of the age of six years or over."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 151

[S. B. No. 114]

AN ACT APPROPRIATING THE SUM OF ONE HUNDRED SEVENTEEN THOUSAND EIGHT HUNDRED FIFTY-SIX AND 00/100 DOLLARS (\$117,856.00) FOR REIMBURSING THE CITY AND COUNTY OF HONOLULU FOR THE COST OF PAVING CERTAIN PORTIONS OF STREETS IN FRONTAGE IMPROVEMENT NOS. 32 TO 53, INCLUSIVE, EXCEPTING NOS. 45 AND 49, AND IMPROVEMENT DISTRICTS NOS. 22 TO 29, INCLUSIVE.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of One Hundred Seventeen Thousand Eight Hundred Fifty-Six and 00/100 Dollars (\$117,856.00) is hereby appropriated out of the General Fund of the Territory of Hawaii, for the purpose of reimbursing the City and County of Honolulu for the payments made by it on assessments for street improvement on streets in Frontage Improvement Nos. 32 to 53,

inclusive, excepting Nos. 45 and 49, and Improvement Districts Nos. 22 to 29, inclusive, such payments having been made under the provisions of Section 2 of Act 191 of the Session Laws of 1925.

SECTION 2. The said sum of One Hundred Seventeen Thousand Eight Hundred Fifty-Six and 00/100 Dollars (\$117,856.00) shall be paid to the Treasurer of the City and County by warrants drawn by the Auditor of the Territory of Hawaii.

SECTION 3. This Act shall take effect from and after July 1, 1929.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 152

[S. B. No. 178]

AN ACT FOR THE RELIEF OF THE FEDERAL INSURANCE COMPANY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the Treasurer of the Territory be, and he hereby is, authorized to pay to the Federal Insurance Company, a corporation organized and existing under the laws of the State of New Jersey and having an office at No. 5 South William Street, New York City, as compensation for the loss by fire of ten (10) original bonds of the denomination of One Thousand Dollars (\$1,000.00) each, numbered 1311 to 1320, both inclusive, of Territory of Hawaii Public Improvement 4½% issue, dated October 1, 1923, and due October 1, 1953, with coupons due April 1, 1929, and all subsequent coupons attached, the sum of Ten Thousand Dollars (\$10,000.00) and accrued interest upon said lost bonds to the date of payment.

SECTION 2. The said amount of Ten Thousand Dollars (\$10,000.00) and accrued interest shall be paid to said Company from the Sinking Fund, in the same manner as if said lost bonds were purchased by the Territory as an investment, and said lost bonds shall be represented by the receipt of said company for such payment, which receipt shall be considered and treated as an investment by said Sinking Fund, and in all respects in the same manner as if the bonds represented thereby were physically present

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in the treasury of the Territory. The interest upon such investment of Ten Thousand Dollars (\$10,000.00) shall be paid into said Sinking Fund from the General Fund, by warrant of the Auditor of the Territory, on the first day of April and the first day of October of each year during the life of said issue of bonds, in the same manner as if the interest coupons attached to such lost bonds were presented on such respective dates; provided, however, that the interest so payable upon the coupons which were due April 1, 1929, shall be so paid into the Sinking Fund as of the date upon which payment shall be made to said Company as herein authorized.

SECTION 3. It is provided, however, that no such payment shall be made to the said Federal Insurance Company until and unless said Company shall first have filed with the Treasurer of the Territory a bond in the penal sum of Twenty Thousand Dollars (\$20,000.00), in such form and with such surety as may be acceptable to the Treasurer of the Territory, to indemnify and save harmless the Territory of Hawaii from any loss on account of said bonds destroyed by fire as mentioned in Section 1 of this Act.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 153

[S. B. No. 191]

AN ACT TO REIMBURSE THE ESTATE OF EMANUEL S. CUNHA, DECEASED, FOR LOSSES SUSTAINED BY IT THROUGH DEPRIVATION AND LIMITATION OF THE USE OF ITS PROPERTY AT WAIKIKI, CITY AND COUNTY OF HONOLULU, DURING THE PERIOD FROM MAY 8, 1928, TO APRIL 6, 1929.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Treasurer of the City and County of Honolulu is hereby authorized and directed to pay, upon a warrant drawn by the Auditor of the City and County of Honolulu, the sum of Six Thousand Two Hundred Twenty-two and no/100 Dollars (\$6,222.00) for the purpose of reimbursing the Estate of Emanuel S. Cunha, deceased, for losses sustained by it through deprivation and limitation of the use of its property at Waikiki,

City and County of Honolulu, during the period from May 8, 1928, the date of the filing by the Supervisors of the City and County of Honolulu of proceedings in eminent domain to condemn said property, and April 6, 1929, the date when said Supervisors discontinued said proceedings.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 154

[S. B. No. 192]

AN ACT TO REIMBURSE MELLIE E. HUSTACE FOR LOSSES SUSTAINED BY HER THROUGH DEPRIVATION AND LIMITATION OF THE USE OF HER PROPERTY AT WAIKIKI, CITY AND COUNTY OF HONOLULU, DURING THE PERIOD FROM MAY 9, 1928, TO APRIL 6, 1929.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Treasurer of the City and County of Honolulu is hereby authorized and directed to pay, upon a warrant drawn by the Auditor of the City and County of Honolulu, the sum of Nine Thousand Seven Hundred Eighty-seven and 42/100 Dollars (\$9,787.42) for the purpose of reimbursing Mellie E. Hustace for losses sustained by her through deprivation and limitation of the use of her property at Waikiki, City and County of Honolulu, during the period from May 9, 1928, the date of the filing by the Supervisors of the City and County of Honolulu, of proceedings in eminent domain to condemn said property and April 6, 1929, the date when said Supervisors discontinued said proceedings.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 155

[S. B. No. 75]

AN ACT APPROPRIATING FIVE THOUSAND DOLLARS (\$5,000.00)
FOR THE ESTABLISHMENT OF AN AGRICULTURAL EXPERI-
MENT STATION IN THE KONA DISTRICT, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of five thousand dollars (\$5,000.00) is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, to be expended by the University of Hawaii, pursuant to Section 408, Revised Laws of Hawaii 1925, for the establishment of an agricultural experiment station in the Kona District, County of Hawaii, upon sites to be designated and set aside by the Governor for said purposes, which station shall be established, managed and controlled by the University of Hawaii.

SECTION 2. All moneys received by the said University of Hawaii from the sale of produce grown on said experiment station, or otherwise, shall be paid into the treasury of the Territory to the credit of said experiment station, and all such moneys are hereby appropriated for use by the University of Hawaii in the management and extension of the experimental work to be carried on at said station.

SECTION 3. This Act shall take effect on and after July 1, 1929.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 156

[S. B. No. 96]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE VARIOUS COUNTIES AND OF THE CITY AND COUNTY TO APPROPRIATE THE MONEYS TO REIMBURSE CERTAIN PERSONS FOR TAXES ILLEGALLY COLLECTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the City and County of Honolulu is hereby authorized and directed to appropriate the sum of one thousand five hundred fifty-six and 30/100 dollars (\$1,556.30) to reimburse the following named persons for taxes illegally collected:

Chieyo Maruyama, property taxes illegally collected.....	\$ 71.66
John Hiram, property taxes illegally collected.....	212.76
Francis D. Rosehill, property taxes illegally collected	10.01
Waikiki Land Trust Co., property taxes illegally collected	476.46
Heirs of Rose Robertson, property taxes illegally collected	162.43
Magoon Bros. Trustees, property taxes illegally collected	590.82
Sam Solomon, property taxes illegally collected.....	22.16
K. C. Ho, personal taxes illegally collected.....	5.00
Chas. Aiona, personal taxes illegally collected.....	5.00

SECTION 2. The Board of Supervisors of the County of Maui is hereby authorized and directed to appropriate the sum of eleven and 25/100 dollars (\$11.25) to reimburse the Estate of L. von Tempsky for property taxes illegally collected.

SECTION 3. The Board of Supervisors of the County of Hawaii is hereby authorized and directed to appropriate the sum of one hundred seventy and 68/100 dollars (\$170.68) to reimburse the trustees under the will of Bernice P. Bishop, deceased, for property taxes illegally collected.

SECTION 4. The Board of Supervisors of the County of Kauai is hereby authorized and directed to appropriate the sum of eight hundred sixty-eight and 50/100 dollars (\$868.50) to reimburse the following named persons for property taxes illegally collected:

Marion W. Wilcox.....	\$ 80.00
Emma Smith Trust.....	788.50

SECTION 5. The various sums herein authorized to be paid shall be paid on warrants issued by the auditors of the various counties and of the city and county upon vouchers approved by the assessors of the taxation division to whom the taxes were paid.

SECTION 6. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 157

[S. B. No. 115]

AN ACT TO AMEND SECTION 338 OF CHAPTER 28 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 232 OF THE SESSION LAWS OF HAWAII 1925, RELATING TO MAINTENANCE OF SCHOOLS AND REVISION OF THE BUDGET THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 338 of Chapter 28 of the Revised Laws of Hawaii 1925, as amended by Act 232 of the Session Laws of Hawaii 1925, is hereby amended to read as follows:

2 P. 174. "Sec. 338. Revision of budget. Not later than December 15, 1912, and every second year thereafter, such budget shall be submitted by the Superintendent of Public Instruction to a committee of estimates, consisting of the Director of the Bureau of the Budget of the Territory of Hawaii, who shall be chairman; the Treasurer of the Territory, the Superintendent of Public Instruction, the Mayor of the City and County of Honolulu and the chairmen of the boards of supervisors of the several counties. Such committee shall meet, in Honolulu, at the call of the chairman, and shall consider such budget. It may, in its discretion, revise or change any item appearing under the general heading 'Special Fund', but it shall not change any item appearing under the heading 'General Fund'. The members of such committee shall serve without pay, but shall be entitled to their actual traveling expenses, to be paid out of funds provided for the general expenses of the department. Not later than January 15, 1913, and every second year thereafter, such budget, as revised by the committee of estimates, shall be submitted to the Governor of the Territory, who shall submit the same without change, but with his own recommendations to the legislature within ten days after the opening of its next regular session. In case the committee of estimates fails to act upon the school budget within the time above specified, the Superintendent of Public Instruction shall submit the budget, as prepared by the Department, to the Governor as aforesaid, and he shall as aforesaid, submit the same to the legislature. Such budget, when acted upon by the legislature, shall determine the amounts which may be expended for such purposes during the succeeding biennial period."

SECTION 2. All Acts and or parts of Acts in conflict herewith are hereby repealed.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 158

[S. B. No. 140]

AN ACT AMENDING SECTION 3677 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO AUTHORIZING THE BOARD OF ACCOUNTANCY TO WAIVE EXAMINATIONS IN CERTAIN CASES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3677 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3677. The board shall, upon application in writing, waive the examination of and issue a certificate to any person of good moral character over the age of twenty-one years, who, at the time of filing application for said certificate, is a citizen of the United States, or who, in good faith, has declared his intention of becoming a citizen, and who has resided within the Territory of Hawaii for at least twelve months next preceding said application, and who has the degree of certified public accountant or chartered accountant evidenced by a certificate issued by or under the authority of another territory or state or foreign nation; provided, that such certificate was issued with the approval of the State Board of Accountancy or Examiners of the territory or state or foreign nation issuing same; and, provided, further, that the standards prescribed by law or by the rules of the board and the examinations conducted are fully equivalent to the standards maintained in this Territory. If, for any reason, the certificate of original issue be revoked or cancelled, the board of accountancy of the Territory of Hawaii shall forthwith revoke and cancel the certificate issued to such person in accordance with this Act."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 159

[S. B. No. 143]

AN ACT TO AMEND SECTION 1081 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE PRACTICE OF DENTISTRY AND PENALTIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1081 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1081. Violating provisions; penalty. Any person, firm or corporation who shall violate any of the provisions of this chapter, or who shall fail to comply with any of the requirements or provisions of this chapter, penalty for which is not otherwise provided, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment of not more than six months, and each day's violation or failure to comply with the provisions hereof shall be deemed a separate offense.

"All tools, implements, medicines and drugs used by any person, firm or corporation in the practice of dentistry without a license, shall be seized by the officers of the law, and upon conviction of any such person, firm or corporation of any violation of this chapter, such tools, implements, medicines and drugs shall be declared forfeited to the Territory by the court and ordered destroyed."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 160

[S. B. No. 144]

AN ACT TO AMEND CHAPTER 40 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PUBLIC LANDS, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 529-A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 40 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto the following new section:

"Sec. 529-A. In case of the death of any owner of the legal title to any homestead agreement, special homestead agreement,

right of purchase lease, cash freehold agreement, or special sale agreement, in the absence of any devise or bequest, the land so held shall vest in the relations of the decedent in the manner set forth in Section 505."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 161

[S. B. No. 151]

AN ACT TO CREATE A COMMISSION TO INVESTIGATE AND REPORT
UPON THE NECESSITY AND FEASIBILITY OF PROVIDING MORE
COMPREHENSIVE AND MODERN BANKING LAWS FOR THE
TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Commission created; term of office; compensation. There is hereby created a commission for the Territory of Hawaii to investigate the necessity and feasibility of providing more comprehensive and modern laws pertaining to banks and banking operations in the Territory of Hawaii, to be composed of three commissioners, who shall be appointed by the Governor in the manner prescribed in Section 80 of the Organic Act for the term of two years, and one of whom shall be designated as Chairman. The commissioners shall serve without pay.

SECTION 2. Duties. It shall be the duty of the commission to examine all subjects relating to the control, regulation and government of banks and banking operations, including the banking laws of the United States and the respective states thereof; to ascertain and recommend the best means to effectuate such control, regulation and government of banks and banking operations in the Territory of Hawaii; and to report upon the feasibility, practicability and necessity, if any, of adopting laws of other jurisdictions or any part or parts thereof for enactment by the Legislature of the Territory of Hawaii. It shall further be the duty of the commission to draw and draft a bank law incorporating therein such regulations and provisions as may in its discretion be necessary for the proper regulation and government of banks and banking operations in the Territory of Hawaii.

The investigation and recommendations of the commission, together with the bank law by it drafted, shall be incorporated into a report and submitted to the Legislature of 1931.

SECTION 3. Treasurer's department to cooperate. The Treasurer of the Territory of Hawaii and his deputies shall, when requested by the commission here created, furnish the commission with all data, material and information that it may have relative to banks and banking operations in the United States, and more particularly in the Territory of Hawaii, and shall, when requested, make available such necessary clerical personnel as may be necessary to assist the commission in the proper performance of its duties.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 162

[S. B. No. 152]

AN ACT TO AMEND SECTION 841 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO WHARFAGE IN TERRITORIAL HARBORS AND THE ASSESSMENTS OF FEES THEREFOR BY DELETING THEREFROM RESTRICTIONS IN RESPECT TO SUCH FEES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 841 of the Revised Laws of Hawaii 1925, is hereby amended by deleting, in lines 7 and 8 thereof, the words:

"not exceeding two cents per ton per diem on the net registered tonnage of the vessel."

And in lines 15 and 16 thereof the words:

"not exceeding one cent per ton per diem on the net registered tonnage of the vessel."

SECTION 2. All laws and/or parts of laws inconsistent herewith are hereby repealed.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 163

[S. B. No. 163]

AN ACT TO APPROPRIATE ONE THOUSAND SIX HUNDRED DOLLARS (\$1,600.00) TO AUGMENT AVAILABLE APPROPRIATIONS FOR CARRYING OUT THE PROVISIONS OF CHAPTER 115 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO COMPENSATION OF PRISONERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated, the sum of one thousand six hundred dollars (\$1,600.00) for the purpose of augmenting available appropriations devoted to carrying out the provisions of Chapter 115 of the Revised Laws of Hawaii 1925, relating to compensation of prisoners.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 164

[S. B. No. 201]

AN ACT DECLARATORY OF THE POWER AND LIABILITY OF THE HONOLULU SEWER AND WATER COMMISSION TO SUE AND BE SUED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Honolulu Sewer and Water Commission, created and existing by virtue of Act 150 of the Session Laws of Hawaii 1925, and Acts amendatory thereof, is hereby declared from the time of its creation to be vested with the power to sue and to be subject to be sued, in its official name as such Commission, in all courts and proceedings, and with respect to all claims or causes of action now existing or which may hereafter arise, as though the provisions of this Act had been specifically expressed in said Act 150 of the Session Laws of 1925 at the time of its enactment. In the case of claims or causes of action against said Honolulu Sewer and Water Commission, arising out of contracts executed in the names of the Territory and/or the City and County of Honolulu by said Honolulu Sewer and Water Commission, said Commission may, by interpleader, join any other party or parties to such contract.

SECTION 2. In the event that said Commission shall be superseded by any other commission, board or body, by legislative authority, any cause of action aforesaid, unless or until otherwise barred, shall survive in favor of or against such successor commission, board or body.

SECTION 3. This Act shall take effect upon its approval and be deemed retroactive as to all claims and causes of action aforesaid.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 165

[H. B. No. 131]

AN ACT TO PROVIDE FOR FOREIGN EXECUTED WILLS AND TO
MAKE UNIFORM THE LAW RELATING THERETO.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Foreign executed wills. A last will and testament, executed without this territory in the mode prescribed by law, either of the place where executed or of the testator's domicile, shall be deemed to be legally executed, notwithstanding the provisions of Sections 3319 to 3322, inclusive, of the Revised Laws of Hawaii 1925, and shall be of the same force and effect as if executed in the mode prescribed by the laws of this territory, provided, said last will and testament is in writing and subscribed by the testator.

SECTION 2. Uniformity of interpretation. This Act shall be so interpreted and construed as to effectuate its general purposes to make uniform the laws of those states and territories which enact it.

SECTION 3. Short title. This Act may be cited as "The Uniform Foreign Executed Wills Act."

SECTION 4. All laws or parts of laws which are inconsistent with the provisions of this Act are hereby repealed.

SECTION 5. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D., 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 166

[H. B. No. 132]

AN ACT TO AMEND SECTION 166 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO FEES FOR CERTIFYING COPIES OF PUBLIC DOCUMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 166 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 166. Copies of public documents; fees. A copy of any public document, including any map, plan, diagram or photograph, which is open to the inspection of the public, shall be furnished to any person applying for the same by the public officer having charge or control thereof, upon the payment of the following fees:

Twenty-five cents for every hundred words or fraction thereof contained in any written document;

The cost of making a copy of any map, plan, diagram or photograph, which copy may be made by any method of reproduction;

Twenty-five cents for the certification to any copy, when such certification is requested.

All of such fees shall be paid in by the public officer receiving or collecting the same to the treasurer of the territory or county or city and county by which the said officer is employed as government realizations.

Provided, however, that no fees shall be charged for the certification of copies of any pleadings, order or other paper or document filed in any court, or process thereon, or any transcript of testimony, upon the original filing or issuance thereof, nor for the certification of records on appeal in any proceeding in any court."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 167

[H. B. No. 150]

AN ACT FOR THE RELIEF OF A. E. MINVIELLE, JR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay on warrant issued by the auditor of the Territory of Hawaii the sum of one hundred fifty dollars (\$150.00) to A. E. Minvielle, Jr., in full discharge of any and all vacation allowance to which he was entitled.

SECTION 2. Upon receiving such warrant, the said A. E. Minvielle, Jr., shall give full receipt and discharge in respect to his claim in and for the sum of one hundred fifty dollars (\$150.00).

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 168

[H. B. No. 214]

AN ACT AUTHORIZING THE BOARD OF SUPERVISORS OF THE
COUNTY OF HAWAII TO CREATE A CITY PLANNING COMMISSION
FOR THE COUNTY OF HAWAII.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The board of supervisors of the County of Hawaii shall have the power to create a city planning commission to be charged with the duty of formulating rules and plans to regulate the future growth, development and beautification of the City of Hilo, in the County of Hawaii, in its public and private building, streets, roads, grounds and vacant lots, and to perform such other duties as the board of supervisors may prescribe and to recommend the establishment of building zones.

SECTION 2. This Act shall take effect on its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 169

[H. B. No. 220]

AN ACT TO AMEND SECTIONS 2475 AND 3067 (AS AMENDED),
OF THE REVISED LAWS OF HAWAII 1925, RELATING TO AC-
COUNTS OF GUARDIANS AND TRUSTEES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2475 of the Revised Laws of Hawaii 1925,
is hereby amended to read as follows:

"Section 2475. Guardians and trustees to file annual inven-
tories and accounts. Every guardian and trustee acting under
appointment of any court or under any appointment requiring
the approval of any court, shall file annually with the court hav-
ing jurisdiction thereof an account showing in detail all his re-
ceipts and disbursements, together with a full and detailed in-
ventory of all property in his possession or under his control,
provided that the court in cases in which it deems it advisable
in the interests of the beneficiaries may permit the accounts
to be filed biennially or triennially instead of annually or, if they
are filed annually, may permit them to accumulate to be passed
upon biennially or triennially, and provided further that the court
on its own examination or that of its clerk shall, without reference
to a master, pass upon the accounts in cases in which the annual
income does not exceed \$1,000.00. If any such guardian or trustee
shall fail to file his account as herein required, it shall be the duty
of the clerk of the court in which such guardian or trustee is re-
quired to file such account, to notify him promptly of such failure,
and, if the guardian or trustee fails to file his account within
thirty days after such notification, he shall be cited to appear be-
fore the said court and be required to show cause why he should
not be punished for contempt of court as provided by Chapter 264
and he shall be subject to all of the penalties in said chapter pro-
vided. The court may also, in its discretion remove any such
guardian or trustee."

SECTION 2. Paragraph "Third" of Section 3067 of said Re-
vised Laws, as amended by Act 42 of the Session Laws of 1925,
is hereby amended to read as follows:

"Third. To render an account, on oath, of the property in his
hands, including the proceeds of all real estate sold by him, and
of the management and disposition of all the property, within
one year after his appointment, and at such other times as may
be required by law or as the court shall direct;"

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 170

[H. B. No. 273]

AN ACT TO AMEND SECTION 2761 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO SUITS FOR PARTITION.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2761 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2761. Suits for partition. When two or more persons hold or are in possession of real property as joint tenants or as tenants in common, in which one or more of them have an estate in fee, or a life estate in possession, a suit in equity may be brought by any one or more of them in the circuit court of the circuit in which the property is situated, for a partition of the property, according to the respective rights of the parties interested therein, and for a sale of the same or a part thereof if it shall appear that a partition cannot be made without great prejudice to the owner. The circuit judges of the several circuit courts, sitting at chambers in equity within their respective jurisdictions, shall have power, in any suit for partition, to proceed according to the usual practice of courts of equity in cases of partition, and according to the provisions of this chapter in enlargement thereof. The rights of the several parties, petitioners as well as respondents, may be put in issue and tried and determined in such suit as in this chapter provided."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 171

[H. B. No. 305]

AN ACT TO AMEND SECTION 2294 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE CUSTODY AND DISPOSITION OF RECORDS, EXHIBITS AND OTHER THINGS BY CLERKS OF COURTS OF RECORD.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2294 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2294. Custody. The clerks of the supreme and circuit courts shall have the custody of all records, books, papers, moneys, exhibits and other things pertaining to their respective courts.

The said clerks of court shall have the authority and power, upon the written approval of a judge of the court in particular cases to sell, destroy or otherwise dispose of exhibits and things marked for identification, other than original files belonging to other actions, which have come into their possession or custody under this section, when such exhibits or things have not been already returned to their owners and when more than two years have elapsed since the final termination of the action to which said exhibits or things are related.

Provided, however, that the clerk shall, if possible, first give notice in writing to the party or the attorney of the party who introduced such exhibits or things in evidence or left them in the custody of the court, of the things that are proposed to be disposed of, stating that the same are to be disposed of if not claimed and removed from the court by a day certain, and provided, further, that the clerk shall file an affidavit as to such notice and a list of the exhibits or things to be destroyed or otherwise disposed of under this Act and the disposition thereof, with the case or action to which the same belong.

All moneys received from sales under this section shall be forthwith deposited, in the case of the supreme court with the treasurer of the Territory of Hawaii, and in the case of circuit courts with the treasurer of the county or city and county in which the court is situated, as government realizations."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 172

[H. B. No. 328]

AN ACT MAKING ADDITIONAL APPROPRIATION OUT OF THE
GENERAL REVENUES FOR THE PERIOD ENDING JUNE 30, 1929.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sum is hereby appropriated as an additional appropriation for the object hereinafter expressed, for the biennial period ending June 30, 1929, out of any moneys received in the treasury of the Territory of Hawaii from the general revenues:

Treasury Department

To reimburse Henry C. Hapai for personal expenses while absent from the territory on public business during:

1923	\$242.59
1924	232.16
1925	161.24
1926	152.23
1927	147.32
	<hr/> \$935.54

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 173

[H. B. No. 369]

AN ACT TO AMEND CHAPTER 104 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 1400A, RELATING TO RECIPROCITY IN INHERITANCE TAX MATTERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 104 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section thereto, to be known as Section 1400A, to read as follows:

"Section 1400A. Reciprocal provision. The tax imposed by this chapter in respect of personal property (except tangible personal property having an actual situs in this territory) shall not be payable (1) if the decedent at the time of his death was a resident of a state or territory of the United States, or of any foreign country, which at the time of his death did not impose a transfer tax or death tax of any character in respect of personal property

of residents in this territory (except tangible personal property having an actual situs in such state or territory or foreign country), or (2) if the laws of the state, territory or country of residence of the decedent at the time of his death contained a reciprocal exemption provision under which non-residents were exempted from transfer taxes or death taxes of every character in respect of personal property (except tangible personal property having an actual situs therein) provided the state, territory or country of residence of such non-resident allowed a similar exemption to residents of the state, territory or country of residence of such decedent. For the purposes of this section the District of Columbia, Porto Rico and the Philippine Islands shall be considered territories of the United States.

The terms 'foreign country' and 'country' as used herein shall mean both any foreign country and any political subdivision thereof and either of them in which the decedent was domiciled at the time of his death.

For the purposes of this section, intangible personal property means incorporeal property, including money, deposits in banks, mortgages, debts, receivables, shares of stock, bonds, notes, credits, evidences of an interest in property and evidences of debt." 296

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 174

[H. B. No. 370]

AN ACT TO AMEND SECTION 3183 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO FEES, NOTARIES PUBLIC.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3183 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new paragraph following the paragraph numbered 7, to be known as paragraph 8 and to read as follows:

"8. For affixing to every duplicate original beyond one of any instrument acknowledged before him his certificate of such acknowledgement, fifty cents for each person making such acknowledgment."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 175

[H. B. No. 387]

AN ACT AUTHORIZING THE BOARD OF SUPERVISORS OF THE COUNTY OF KAUAI TO ACQUIRE LAND AT KOLOA FOR PUBLIC PARK AND PLAYGROUND PURPOSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the County of Kauai is hereby authorized and empowered to acquire by purchase, condemnation, or otherwise, a suitable piece of land at Koloa, Kauai, sufficient for use as a public park and playground.

SECTION 2. The board of supervisors of the County of Kauai is hereby authorized, empowered and directed to appropriate and expend, out of its Permanent Improvement Fund, the sum of fifteen thousand dollars (\$15,000.00), or as much thereof as may be necessary to be expended in carrying out the purpose of this Act.

SECTION 3. This Act shall take effect December 15, 1929.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 176

[H. B. No. 408]

AN ACT PROVIDING A PENSION FOR SERGEANT JOHN H. McINTOSH, COMPANY "H", 298TH INFANTRY, HAWAII NATIONAL GUARD, AND MAKING APPROPRIATION THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed, upon warrants to be issued each month by the auditor of the Territory of Hawaii, to pay to Sergeant John H. McIntosh, Company "H", 298th Infantry, Hawaii National Guard, the sum of forty dollars (\$40.00) per month, and to continue such payments during his natural life. Such payments are hereby appropriated out of the moneys received in the treasury from the general revenues.

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 177

[S. B. No. 3]

AN ACT TO AMEND SECTIONS 35, 43, 44, 76 AS AMENDED, 77, 80, 86 AS AMENDED, 88 AS AMENDED, 95, 98, 99, 102, 106, 117, 119 AS AMENDED, AND 122, AND TO REPEAL SECTIONS 100 AND 105 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO ELECTIONS.

Am. 2. 97/4

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Paragraph 2 of Section 35 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"2. Upon receipt of such notice, each county clerk shall, within seven days thereafter, cause as much thereof as may be applicable to his county, to be published, in both the English and Hawaiian languages, once in a newspaper of general circulation within the county."

SECTION 2. Section 43 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 43. Persons entitled to vote. No person shall be entitled to vote at any primary unless he, prior to the closing of registration, shall have registered as a duly qualified elector of the precinct in which he resides. Residence in such precinct and the fact of registration shall be determined by lists with the names of electors arranged alphabetically and at least three copies of the same shall, at least five days before the primary, be transmitted by the clerk to the inspectors of election of the appropriate precincts."

SECTION 3. Paragraph 1 of Section 44 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 44. Voting. 1. The polls at primaries shall be open from 7:00 o'clock in the morning until 5 o'clock in the evening, and no ballot shall be deposited before or after that period. It is provided, however, that in the City and County of Honolulu, the polls shall be closed at 5:30 o'clock in the evening."

SECTION 4. Section 76 of the Revised Laws of Hawaii 1925, as amended by Act 49 of the Session Laws of Hawaii 1927, is hereby further amended to read as follows:

"Sec. 76. Closing register; list of electors. At midnight immediately preceding the third Wednesday before each general election, and the fourth Wednesday before each special or primary election, the general county register shall be closed to registration and remain closed until after such election, subject to change only as provided in Section 70. Immediately upon the closing of the

general county register, the clerk shall proceed to prepare a list of all electors in each precinct, separately. Such list shall contain, in alphabetical order, the names of all electors so registered in each precinct, and the residence of each. At least three copies of such lists, when completed, shall, at least five days before the date of any election, be transmitted by the clerk to the inspectors of election of the appropriate precincts."

SECTION 5. Section 77 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 77. County clerk and county defined. The words 'county clerk' as used in this chapter shall mean the clerk of any county and the clerk of the City and County of Honolulu, and the word 'county' shall include the City and County of Honolulu."

SECTION 6. Section 80 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 80. Place of registering and voting. Every person qualified to register may do so in the precinct in which he resides; and no person shall register or vote in any other precinct than that in which he resides; provided, however, that where there is a mistake in placing the name of the elector on the list of electors of a precinct in which he does not actually reside, such elector shall nevertheless be allowed to vote therein, if otherwise qualified; and it shall be the duty of the chairman of the inspectors of election of the precinct where such elector has voted to notify the county clerk of the error in order that the name of such elector may be placed on the next succeeding list of electors of the precinct where he actually resides.

If any person resides in more than one precinct he may elect in which precinct he will register, but he shall register in one precinct only."

44 SECTION 7. Section 86 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by adding thereto a new paragraph to read as follows:

"Provided, also, that no officer or employee of the Territory of Hawaii and/or any county or city and county shall be allowed to serve as an inspector of elections."

44 SECTION 8. Section 88 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by adding thereto a new paragraph to read as follows:

"Provided, also, that no officer or employee of the Territory of Hawaii and/or any county or city and county shall be allowed to serve as a clerk in any such precinct."

SECTION 9. The first paragraph of Section 95 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 95. Ballot boxes. The Secretary of the Territory shall provide suitable ballot boxes for each polling place. Such boxes shall be marked in plain letters 'For Delegate to Congress, Senators and Representatives', and shall bear no other device or mark."

SECTION 10. Section 98 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 98. Color. The ballot for Delegate to Congress, Senators and Representatives shall be of such color for each election as may be determined by the Secretary of the Territory."

SECTION 11. Section 99 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 99. For Delegate, Senators and Representatives. There shall be but one ballot for Delegate to Congress, Senators and Representatives. The size, weight, shape and thickness of the ballot shall be determined by the Secretary of the Territory and except as provided in Section 60, shall contain the names of all candidates for Delegate to Congress, Senators and Representatives who have been duly nominated according to law."

SECTION 12. Section 102 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 102. Printing and distributing. The ballots shall be printed by order of the Secretary of the Territory at government expense. There shall be delivered to each precinct not less than two ballots for each name upon the register of voters at the last preceding election, and two hundred ballots shall be delivered to each county clerk not less than five days prior to the date of any election for use by absentee voters authorized to vote under the provisions of Section 119. It shall be the duty of each county clerk, as soon as may be after the election, to certify to the said Secretary the number of ballots delivered to absentee voters and to return the unused ballots to said Secretary.

"In case the boundaries of any precinct shall have been changed since the last preceding election, the number of ballots sent shall be such as shall be estimated by the said Secretary to be twice the number of voters in such precinct."

SECTION 13. Section 106 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 106. Hours for voting. The polls shall be opened by the inspectors at 7:00 o'clock upon the morning of the election day,

and shall be kept open continuously until 5 o'clock in the afternoon of said day, provided, however, that in the City and County of Honolulu, the polls shall be closed at 5:30 o'clock in the evening. If all of the registered voters of the precinct shall have polled their votes previously to the closing time, the polls may be closed earlier and the votes counted as in this chapter provided."

SECTION 14. Section 117 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 117. Assistance of disabled voter. Any voter who, by reason of blindness or other physical disability, is unable to mark his ballot, shall, if he so requests, receive the assistance of one of the inspectors in the marking thereof. Before rendering such assistance, the inspectors shall be satisfied that such physical disability exists. Such voter shall have the right to select the inspector to render such assistance."

SECTION 15. Section 119 of the Revised Laws of Hawaii 1925, as amended, is hereby amended to read as follows:

"Sec. 119. Absentee voters. 1. Any registered voter who will be absent from the county in which he is duly registered, upon any primary, general or special election date, may, within the period of five days next preceding any primary, general or special election, cast his ballot with the county clerk where he is registered in the following manner:

"2. The county clerk shall, upon affidavit duly signed by a duly registered voter about to depart, setting forth facts entitling him so to vote, pursuant to paragraph 1, place in an envelope a ballot folded so as to conceal the names of the candidates thereon. The voter shall thereupon, in the usual manner provided by law, and in a place apart from any person, mark his ballot, place it in the said envelope, seal the same, and sign his name thereon as proof that he has voted, and deliver the said envelope to the county clerk, who shall, at the time he delivers the ballots to the inspectors of election of the precinct where said voter is registered, and in any event on the day of election and before balloting has ceased, deliver said envelope to the said inspectors.

"3. In case such voter suffers the disabilities specified in Section 117, then the county clerk shall assist such voter in the marking of the ballot and the writing of his name upon the envelope and shall place upon said envelope a notation thereof.

"4. The chairman of the inspectors of election shall in the presence of all the inspectors call the name of the one who has voted and thereupon proceed to open the envelope and deposit the ballot in the ballot box in the usual manner as provided by law,

and without opening the same or in any way observing or permitting anyone to observe how the same is marked. The envelope shall be placed in the ballot bag as proof that the voter himself voted and signed the envelope. The chairman of the inspectors of election shall thereupon immediately strike the name of such voter who has so voted from the list of voters.

"5. It shall be unlawful for any voter to make any false statements in any affidavit required under this section and it shall be unlawful for any person, other than as in paragraph 4 provided, to open an envelope containing a ballot marked under the provisions of this section, and it shall be unlawful for the inspectors of election to open any envelope containing a marked ballot and deposit the ballot therein contained in the ballot box in any manner except as in paragraph 4 provided. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment."

SECTION 16. Section 122 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new paragraph as follows:

"Ballots shall be counted in the following order: Delegate to Congress, Senators, Representatives, it being understood that the vote for candidates shall be tabulated in the order designated herein, but that one ballot shall be finished as to all the candidates thereon before tabulating a second and subsequent ballots; mayor, board of supervisors, sheriff, treasurer, auditor, attorney and clerk, it being understood that the vote for candidates shall be tabulated in the order designated herein, but that one ballot shall be finished as to all the candidates thereon before tabulating a second and subsequent ballots. Such ballots shall be counted in the following manner only, to-wit, by one inspector announcing the vote, one inspector tallying and one inspector watching the inspector announcing the vote. Where there may be a clerk, such clerk shall watch the inspector tallying."

SECTION 17. Sections 100 and 105 of the Revised Laws of Hawaii 1925, are hereby repealed.

SECTION 18. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 178

[S. B. No. 18]

AN ACT TO AMEND SECTION 2 OF ACT 150 OF THE SESSION LAWS OF 1925, AS AMENDED BY ACT 40, SESSION LAWS OF 1927, RELATING TO THE CONSTRUCTION OF NEEDED SEWER AND WATER IMPROVEMENTS IN THE CITY AND COUNTY OF HONOLULU, BY SPECIAL COMMISSION, WITH FUNDS BY A BOND ISSUE AND AUTHORIZING AN INCREASE IN THE AMOUNT OF BONDS TO BE ISSUED.

Be it Enacted by the Legislature of the Territory of Hawaii:

~~262~~ SECTION 1. Section 2 of Act 150 of the Session Laws of 1925, as amended by Act 40, Session Laws of 1927, is hereby amended to read as follows:

"Section 2. The Treasurer of the City and County of Honolulu is hereby authorized and empowered to and shall, when and so directed by the Commission hereinafter constituted, issue from time to time bonds of the City and County of Honolulu, with interest coupons attached thereto to an amount not to exceed seven million five hundred thousand dollars (\$7,500,000.00), the proceeds thereof to be expended by said Commission for the purposes of this Act, it being expressly provided that the term 'proceeds' as hereinbefore used shall include all premiums received on account of the sale of said bonds, whether already in hand or hereafter realized, any provision of law to the contrary notwithstanding. The principal and interest of said bonds shall be payable in gold coin of the United States of America or its equivalent, at its present standard of weight and fineness, in the manner, upon the terms and for the purposes of this Act stated; and in addition to the provisions hereof, the issuance thereof shall be governed by the provisions of an Act of Congress approved April 30, 1900, entitled: 'An Act to provide a government for the Territory of Hawaii', and any amendments thereto in effect at the time said bonds are issued. No bonds shall be issued until after the issuance thereof shall have first been approved by the President of the United States. Such approval on the part of the President of the United States shall be conclusive proof that all requirements of law have been duly complied with, and that said bonds are, in all respects, valid and incontestible."

SECTION 2. In the event that said Commission shall be superseded by any other Commission, board or body, by legislative authority, the provisions of this Act and of said Act 150 of the Session Laws of 1925, as amended, referring to said Commission,

shall be deemed to refer to such successor Commission, board or body.

SECTION 3. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 179

[S. B. No. 24]

AN ACT TO AMEND SECTION 2777 OF THE REVISED LAWS OF
HAWAII 1925, RELATING TO COSTS IN SUITS FOR PARTITION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2777 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2777. Costs. All costs of the proceedings in partition shall be paid by the petitioner in the first instance, but eventually by all of the parties in proportion to their interests, except such costs which may be occasioned by contests as to particular shares or interests, which shall be charged against the particular shares or interests involved and be paid as determined by the result of the trial of such particular issue. In addition to costs of the proceeding the judge may allow any fee or fees for legal services rendered by the attorneys for any of the parties, and apportion the same for costs for payment by and between the parties or any of them, all as to the judge shall seem equitable in the light of the services performed and the benefits derived therefrom by the parties, respectively. It is provided, however, that when more than ten respondents are named in a petition for partition, no greater deposit for costs shall be required of the petitioner than would be required if there were but ten respondents."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 180

[S. B. No. 154]

AN ACT AUTHORIZING AND DIRECTING THE COMMISSIONER OF PUBLIC LANDS AND THE ATTORNEY GENERAL TO QUIET THE TITLE OF THE TERRITORY OF HAWAII IN AND TO THE MAKAPALA SCHOOL LOT IN KOHALA, HAWAII, AND MAKING AN APPROPRIATION FOR OUTSTANDING INTERESTS THEREIN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Attorney General and the Commissioner of Public Lands of the Territory of Hawaii are hereby authorized and directed to institute and prosecute suit to quiet the title of the Territory of Hawaii in and to the Makapala School Lot, in Kohala, Hawaii.

SECTION 2. The sum of Two Thousand Dollars (\$2,000.00) is hereby appropriated for the purpose of acquiring any outstanding interests in said school lot in the event that the Territory does not own all of the same in fee simple.

SECTION 3. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 181

[S. B. No. 182]

AN ACT AUTHORIZING THE CITY AND COUNTY OF HONOLULU TO PAY CLAIMS INCURRED PRIOR TO DECEMBER 31, 1925, OUT OF THE GENERAL FUND.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the City and County of Honolulu is hereby authorized, empowered and directed to pay out of any moneys in the general fund of the said City and County of Honolulu all such claims as were incurred prior to December 31, 1925, for supplies furnished to and on behalf of the Police Department of the said City and County of Honolulu, as may be found proper and duly approved by the said Board of Supervisors, to the following:

J. J. Cashman.....	\$173.00
Frankel Carbon & Ribbon Mfg. Co.....	66.00
Yap Brothers.....	180.00
	<hr/>
	\$419.00

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
 Governor of the Territory of Hawaii.

ACT 182

[S. B. No. 183]

AN ACT TO AMEND SECTION 4 OF ACT 251 OF THE SESSION LAWS OF HAWAII 1927, RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The fourth paragraph of Section 4 of Act 251 of the Session Laws of 1927, is hereby amended to read as follows:

"The Board of Trustees of said Retirement System shall certify annually, to the Board of Supervisors of each county or city and county and to the Treasurer and Auditor of the Territory, the amount due from such county or city and county on account of the employees of such county or city and county who are members of said Retirement System, and the Treasurer of the Territory shall pay such amount to said Board of Trustees, and said Board of Trustees shall credit such amount to the appropriate fund or funds of the Employees' Retirement System of the Territory of Hawaii. Such payments shall be made out of the special fund for such county or city and county hereinafter provided for, upon warrants of the Auditor of the Territory."

The last paragraph of Section 4 of Act 251 of the Session Laws of 1927, is hereby amended to read as follows:

"The Board of Supervisors of each county or city and county shall transmit to the Treasurer of the Territory of Hawaii, at the same time such Board transmits the resolution required in accordance with Section 1315 of the Revised Laws of Hawaii 1925, as amended, an estimate of the amount required to meet the obligations of such county or city and county under this section, and the Treasurer of the Territory shall include the amount thereof in the tax rate of such county or city and county. The Treasurer of the Territory in the manner provided for territorial items by

Section 1380 of the Revised Laws of Hawaii 1925, as amended, shall retain, out of the tax monies collected in each year in each county or city and county, a sum equal to the amount so included in such tax rate for the purposes of this section, and shall place such amount in a special fund for such county or city and county. Payments on account of the obligations of such county or city and county under this section shall be made out of such fund. The amount of any excess or deficiency in such fund in meeting such obligations shall be subtracted from, or added to, as the case may be, the amount of the estimate submitted by the Board of Supervisors of such county or city and county for the succeeding calendar year, under this section. The Auditor and Treasurer of the Territory shall transmit to the Treasurer of each county or city and county, at the same time such officers transmit to such county or city and county treasurer the estimate required by Section 1380 of the Revised Laws of Hawaii 1925, as amended, a joint statement showing the amount of receipts by and payments out of such special fund, and the amount of such excess or deficiency, if any."

SECTION 2. This Act shall take effect from and after the date of its approval and shall apply to the year 1929.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 183

[S. B. No. 187]

AN ACT APPROPRIATING TWO THOUSAND DOLLARS (\$2,000.00) TO AUGMENT THE AVAILABLE APPROPRIATION DESIGNATED AS ITEM "A. PERSONAL SERVICES", UNDER "LAND COURT" OF THE "JUDICIARY" SUBDIVISION OF ACT 263, SESSION LAWS OF 1927.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated from the general revenues of the Territory the sum of Two Thousand Dollars (\$2,000.00) to augment the available appropriation under Act 263, Session Laws of 1927, designated as Item "A. Personal Services" under "Land Court" of the "Judiciary" subdivision.

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 184

[H. B. No. 32]

AN ACT TO AMEND SECTION 3213 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 258, SESSION LAWS OF 1927, RELATING TO LAND COURT APPLICATIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3213 of the Revised Laws of Hawaii 1925, as amended by Act 258, Session Laws of 1927, is hereby amended to read as follows:

"Section 3213. Application may include several parcels. An application may include two or more parcels of land in which the applicant claims the same interests; provided, however, that all parcels must be within the same judicial district, as said districts are defined by Chapter 14 of the Revised Laws of Hawaii 1925. 4/31/30 30

But two or more parcels shall not be included in one application, regardless of where they are situated, unless the interest of the applicant is the same in each parcel, nor shall two or more persons claiming in the same parcels different interests which collectively make up the legal estate in fee simple in each parcel join in one application for more than one parcel unless their interests are alike in each and every parcel.

The court may at any time order an application to be amended by striking out one or more of the parcels, or by a severance of the application."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 185

[H. B. No. 97]

AN ACT TO AMEND CHAPTER 144 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 2469A AND PROVIDING FOR THE DISMISSAL OF BILLS IN EQUITY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 144 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section thereto to be known as Section 2469A and to read as follows:

"Section 2469A. Dismissal of bills in equity. If at the close of petitioner's case it shall appear to the judge presiding that the evidence adduced in behalf of the petitioner is insufficient to sustain his bill, the judge may, upon his own motion or upon motion of counsel for any party in interest dismiss the bill."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 186

[H. B. No. 119]

AN ACT TO AMEND CHAPTER 30 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 356A, RELATING TO INDUSTRIAL SCHOOLS.

Be it Enacted by the Legislature of the Territory of Hawaii:

19 SECTION 1. Chapter 30 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section thereto to be known as Section 356A, and to read as follows:

"Section 356A. The school at Waialea, in the District of Waialua, City and County of Honolulu, and the school at Maunawili, in the District of Koolaupoko, City and County of Honolulu, referred to in Chapter 30 of the Revised Laws of Hawaii 1925, are to be known, respectively, as the Waialea Training School for Boys and the Maunawili Training School for Girls. All rights intended to be secured to these schools, and each of them, as to the use of land, appropriations, etc., shall be unaffected by their designation as herein provided."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 187

[H. B. No. 245]

AN ACT TO REGULATE FISHING WITHIN THE JURISDICTION OF THE TERRITORY OF HAWAII, AND TO REPEAL ACT 201 OF THE SESSION LAWS OF 1925, AS AMENDED BY ACT 196 OF THE SESSION LAWS OF 1927.

1/21/28

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Definitions. When used in this Act:

(1) The word "division" means the division of fish and game of the board of agriculture and forestry of the Territory of Hawaii;

(2) "Day time" means any time between thirty minutes before sunrise and thirty minutes after sunset of the same day;

(3) "Angling" means the use of hooks, lines, rods, poles and such other devices as are ordinarily employed in hook and line fishing, provided, however, that where a rod or pole is used the hook shall be free from the rod or pole.

(4) "Commercial fishing" means the fishing for, or taking of, fish to trade or sell the same as a chief means of livelihood;

(5) "Commercial fisherman" means a person who has been granted a commercial fishing permit as in this Act provided;

(6) Whenever the size or length of mesh of nets is mentioned in this Act, it shall be taken to mean stretched measure.

SECTION 2. It shall be unlawful for any person to engage in commercial fishing without first having secured a commercial fishing permit from the division as in this Act provided.

SECTION 3. It shall be unlawful for any person, except citizens of the United States and commercial fishermen, to take, kill, fish for, or assist in fishing for, any fresh-water, or marine fish, or other marine animals suitable for food, within the jurisdiction of the Territory of Hawaii, by any means whatsoever; provided, however, that this Act shall not apply to any person angling in the day time; and provided further that any alien may lawfully fish in the day time with a throw net the mesh of which shall not be less than three inches, or angle at night, upon first obtaining from the division a license therefor as in this Act provided.

SECTION 4. (1) The division, or its duly appointed agents, shall issue a commercial fishing permit to the following named classes of persons and upon the following conditions: (a) to any citizen who proposes to engage in commercial fishing, and

who shall furnish in writing on forms prescribed by the division the following information, to-wit: name, address, age, place of birth, height, weight, color of hair and eyes, and satisfactory proof of citizenship; and (b) to any person not a citizen who shall furnish in the same manner the same information that is required of a citizen, except proof of citizenship, and shall give satisfactory evidence that the applicant is qualified to engage in commercial fishing and is at the time of application engaged therein, or, if granted a permit, will forthwith engage therein, and who shall pay to the division or its agent the sum of five dollars (\$5.00).

[Sic]

(2) The division or its agent shall issue to any person, firm or corporation engaged in fishing as an enterprise for profit a permit, to be called an "employer's fishing permit," to employ at any one time a certain specified maximum number of persons not citizens of the United States to take or assist in taking from any of the waters within the jurisdiction of the Territory of Hawaii fish or other marine animals suitable for food, upon application in writing made by such person, firm or corporation on a form to be prescribed by the division, and the furnishing by such applicant of such additional evidence as may be required by the division, showing that such number of persons is reasonably required by such applicant's business, and the payment by such applicant of the sum of five dollars (\$5.00) for each of the said maximum number of persons specified. Such permit and the privileges thereby granted shall appertain solely to the person, firm or corporation to which it was issued and not to his or its employees as individuals, and said employees when not engaged in the work of their employer shall have no fishing rights or privileges whatsoever by virtue of said employer's permit. No person, firm or corporation so engaged in fishing shall employ at any one time any greater number of persons not citizens of the United States than the maximum number specified in such permit.

(3) The division or its agents shall issue to any person not a citizen of the United States who shall make written application on a form prescribed by the division, giving the same personal description of such applicant as is required in the case of applicants for commercial fishing permits, (a) upon the payment of the sum of ten dollars (\$10.00) by such applicant, a license to fish in the day time with a throw net the mesh of which shall not be less than three inches, or (b) upon the payment of the sum of five dollars (\$5.00) by such applicant, a license to angle at night.

SECTION 5. (1) All permits and licenses granted under this Act shall be in force from the time of issuance until the following 30th day of June, and all such permits and licenses shall expire on June 30, and no duplicate permit or license shall be issued to any

person, firm or corporation, except upon affidavit of the applicant that his or its permit or license has been lost or destroyed, and upon the payment of fifty cents (50c) by such applicant.

(2) Metal tags shall be issued with each permit or license, bearing the same number and symbol as is contained in such permit or license, and it shall be incumbent upon each person so granted a permit or license, while engaged in fishing, to carry such tag with him, and to exhibit the same to any police officer, game warden or agent of the division upon demand by such officer, warden or agent. Failure so to carry such tag or so to exhibit the same shall constitute a misdemeanor punishable as in Section 7 of this Act provided.

(3) In the case of employer's fishing permits, the division shall issue to each employer as many metal tags as the maximum number of person authorized to be employed in and by the permit issued to such employer, and it shall be the duty of each employee, while engaged in fishing for such employer, to carry one of such metal tags, and to exhibit the same, upon request, to the officers, under the conditions, and subject to the penalties, hereinabove mentioned. It shall be the duty of each employee to surrender such metal tag to his employer upon the termination of his employment or upon demand by such employer, and a wilful failure so to do shall constitute a misdemeanor punishable as in Section 7 of this Act provided.

[Sic]

[Sic]

(4) Any person lawfully holding such permit, license or tag, who wilfully permits the same to be used by any other person for the purpose of evading the provisions of this Act, and any person who shall use any permit, license or tag, not being the legal holder thereof, for the purpose of evading the provisions of this Act, shall be guilty of a misdemeanor punishable as in Section 7 of this Act provided.

(5) A charge of ten cents shall be made for each tag so issued, and duplicate tags may be issued upon affidavit of the applicant that a tag or tags has or have been lost.

SECTION 6. It shall be unlawful for any person to use any throw net, hukilau net, seine or gill net used as a drag net, with a mesh of less than two inches, or to use any kind of fish trap other than the basket or portable trap; such trap shall not exceed ten feet in length or six feet in height or width, and the mesh thereof shall not be less than one inch measured across the narrowest way; provided, however, that owners or operators of fish ponds, for the purpose of catching pua or other small fish for stocking ponds, and citizens and commercial fishermen, for the purpose of catching nehu and iao for bait, and for the purpose

of catching opelu, iheihe, puili, hahalalu, uouoa, oama and ohua, may lawfully use fine meshed nets or seines, provided the same are used for surrounding the fish in the water and are not dragged upon the shore.

287 SECTION 7. Any person, firm or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than two hundred dollars, or to imprisonment for a term of not more than fifty days, or to both such fine and imprisonment; provided, however, that in the case of a corporation violating any of the terms of this Act only the fine shall be imposed, but any officer of such corporation who shall have wilfully procured or permitted such violation by such corporation of any of the terms of this Act shall be subject to fine and/or imprisonment as in the case of an individual violating the terms of this Act. One-half of any fine collected under the terms hereof shall be paid by the court or officer collecting the same to any person, not being a police officer or an officer or employee of the division, assisting in the arrest and conviction of the offender paying such fine.

SECTION 8. The division or its agents shall require all statements called for by this Act, or which may reasonably be required by the division or its agents under the provisions of this Act, for the purpose of procuring any permit, license or tag, or duplicate thereof, to be made under oath, for which purpose each duly appointed agent of the division is hereby authorized and empowered to administer such oaths, and any person who shall wilfully or knowingly make any false statement on a material fact shall be deemed guilty of the crime of perjury, punishable as in Chapter 260 of the Revised Laws of Hawaii 1925, provided. For the purpose of this Act, whenever the applicant for a permit, license or tag is a firm or corporation, any statements required of such applicant may be made by any member of such firm or by any officer of such corporation in its behalf.

SECTION 9. Act 201 of the Session Laws of 1925, as amended by Act 196 of the Session Laws of 1927, and all other acts or parts of acts inconsistent herewith, are hereby repealed.

SECTION 10. This Act shall take effect on and after July 1, 1929.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 188

[H. B. No. 361]

AN ACT TO REGULATE TROUT FISHING WITHIN THE JURISDICTION OF THE TERRITORY OF HAWAII.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. It shall be unlawful for any person to take, catch or fish for, any trout in any waters within the jurisdiction of the Territory of Hawaii, or to have in his possession any trout from such waters, at any time between the 31st day of August of each year and the 1st day of June of the following year; or to take, catch or fish for any trout in any of said waters by any means whatsoever other than angling with rod, line and artificial fly; or to take or catch more than sixty trout in any of such waters in any period of thirty consecutive days; or to fish for trout in any of said waters without first having procured a license therefor as provided in Section 2028 of the Revised Laws of Hawaii 1925, as amended by Act 75 of the Session Laws of 1925.

SECTION 2. The presence of any person at or near any stream containing trout, who has in his possession any kind of bait, or any angling line to which is attached a bait hook or spinner, or who has any net or other such device for taking fish and who is in possession of any trout or who is in possession of more than the legal bag limit of trout as herein provided, or who has lawful fishing tackle but has not procured a fishing license as in this Act required, shall be prima facie evidence that such person is guilty of violating the applicable provisions of Section 1 of this Act; provided, however, that this Section shall not apply to streams containing fish other than trout and where it is customary to fish for such other fish with nets or bait hooks.

SECTION 3. Any person, firm or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment for not less than five nor more than fifty days, or by both such fine and imprisonment; and one-half of any fine collected under the provisions of this Act shall be paid by the court or officer collecting the same to any person who is not a police officer, fish and game warden, or agent of the board of commissioners of agriculture and forestry, and who assists in the arrest and conviction of the offender paying such fine.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 189

[H. B. No. 288]

AN ACT TO MAKE UNIFORM THE LAW OF SALES.

*Be it Enacted by the Legislature of the Territory of Hawaii:***PART I.****FORMATION OF THE CONTRACT.**

SECTION 1. Contracts to sell and sales.—(1) A contract to sell goods is a contract whereby the seller agrees to transfer the property in goods to the buyer for a consideration called the price.

(2) A sale of goods is an agreement whereby the seller transfers the property in goods to the buyer for a consideration called the price.

(3) A contract to sell or a sale may be absolute or conditional.

(4) There may be a contract to sell or a sale between one part owner and another.

SECTION 2. Capacity—Liabilities for necessities.—Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property.

Where necessities are sold and delivered to an infant, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

Necessaries in this section means goods suitable to the condition in life of such infant or other person, and to his actual requirements at the time of delivery.

FORMALITIES OF THE CONTRACT.

SECTION 3. Form of contract or sale.—Subject to the provisions of this Act and of any statute in that behalf, a contract to sell or a sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be inferred from the conduct of the parties.

SECTION 4. Statute of frauds.—(1) A contract to sell or a sale of any goods or choses in action of the value of one hundred dollars or upwards shall not be enforceable by action unless the buyer shall accept part of the goods or choses in action so contracted to be sold or sold, and actually receive the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract or sale be signed by the party to be charged or his agent in that behalf.

(2) The provisions of this section apply to every such con-

tract or sale, notwithstanding that the goods may be intended to be delivered at some future time or may not at the time of such contract or sale be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery; but if the goods are to be manufactured by the seller especially for the buyer and are not suitable for sale to others in the ordinary course of the seller's business, the provisions of this section shall not apply.

(3) There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, expresses by words or conduct his assent to becoming the owner of those specific goods.

SUBJECT MATTER OF CONTRACT.

SECTION 5. Existing and future goods.—(1) The goods which form the subject of a contract to sell may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract to sell, in this Act called "future goods."

(2) There may be a contract to sell goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3) Where the parties purport to effect a present sale of future goods, the agreement operates as a contract to sell the goods.

SECTION 6. Undivided shares.—(1) There may be a contract to sell or a sale of an undivided share of goods. If the parties intend to effect a present sale, the buyer, by force of the agreement, becomes an owner in common with the owner or owners of the remaining shares.

(2) In the case of fungible goods, there may be a sale of an undivided share of a specific mass, though the seller purports to sell and the buyer to buy a definite number, weight or measure of the goods in the mass and though the number, weight or measure of the goods in the mass is undetermined. By such a sale the buyer becomes owner in common of such a share of the mass as the number, weight or measure bought bears to the number, weight or measure of the mass. If the mass contains less than the number, weight or measure bought, the buyer becomes the owner of the whole mass and the seller is bound to make good the deficiency from similar goods unless a contrary intent appears.

SECTION 7. Destruction of goods sold.—(1) Where the parties purport to sell specific goods, and the goods, without the knowledge of the seller, have wholly perished at the time when the agreement is made, the agreement is void.

(2) Where the parties purport to sell specific goods, and the goods, without the knowledge of the seller, have perished in part or have wholly or in a material part so deteriorated in quality as to be substantially changed in character, the buyer may at his option treat the sale:

(a) As avoided, or

(b) As transferring the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the sale was indivisible, or to pay the agreed price for the goods in which the property passes if the sale was divisible.

SECTION 8. Destruction of goods contracted to be sold.—(1) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault on the part of the seller or the buyer, the goods wholly perish, the contract is thereby avoided.

(2) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault of the seller or the buyer, part of the goods perish or the whole or a material part of the goods so deteriorate in quality as to be substantially changed in character, the buyer may at his option treat the contract:

(a) As avoided, or

(b) As binding the seller to transfer the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price, if the contract was indivisible, or to pay the agreed price for so much of the goods as the seller, by the buyer's option, is bound to transfer if the contract was divisible.

THE PRICE.

SECTION 9. Definition and ascertainment of price.—(1) The price may be fixed by the contract, or may be left to be fixed in such manner as may be agreed, or it may be determined by the course of dealing between the parties.

(2) The price may be made payable in any personal property.

(3) Where transferring or promising to transfer any interest in real estate constitutes the whole or part of the consideration for transferring or for promising to transfer the property in goods, this Act shall not apply.

(4) Where the price is not determined in accordance with the foregoing provisions, the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

SECTION 10. Sale at a valuation.—(1) Where there is a contract to sell or a sale of goods at a price or on terms to be fixed by a third person, and such third person, without fault of the seller or the buyer, cannot or does not fix the price or terms, the contract or the sale is thereby avoided; but if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor.

(2) Where such third person is prevented from fixing the price or terms by fault of the seller or the buyer, the party not in fault may have such remedies against the party in fault as are allowed by Parts IV and V of this Act.

CONDITIONS AND WARRANTIES.

SECTION 11. Effect of conditions.—(1) Where the obligation of either party to a contract to sell or a sale is subject to any condition which is not performed, such party may refuse to proceed with the contract or sale or he may waive performance of the condition. If the other party has promised that the condition should happen or be performed, such first mentioned party may also treat the non-performance of the condition as a breach of warranty.

(2) Where the property in the goods has not passed, the buyer may treat the fulfillment by the seller of his obligations to furnish goods as described and as warranted expressly or by implication in the contract to sell as a condition of the obligation of the buyer to perform his promise to accept and pay for the goods.

SECTION 12. Definition of express warranty.—Any affirmation of fact or any promise by the seller relating to the goods is an express warranty if the natural tendency of such affirmation or promise is to induce the buyer to purchase the goods, and if the buyer purchases the goods relying thereon. No affirmation of the value of the goods, nor any statement purporting to be a statement of the seller's opinion only shall be construed as a warranty.

SECTION 13. Implied warranties of title.—In a contract to sell or a sale, unless a contrary intention appears, there is:

(1) An implied warranty on the part of the seller that in case of a sale he has a right to sell the goods, and that in case of a contract to sell he will have a right to sell the goods at the time when the property is to pass;

(2) An implied warranty that the buyer shall have and enjoy quiet possession of the goods as against any lawful claims existing at the time of the sale;

(3) An implied warranty that the goods shall be free at the time of the sale from any charge or encumbrance in favor of any

third person, not declared or known to the buyer before or at the time when the contract or sale is made;

(4) This section shall not, however, be held to render liable a sheriff, auctioneer, mortgagee, or other person professing to sell by virtue of authority in fact or laws, goods in which a third person has a legal or equitable interest.

SECTION 14. Implied warranty in sale by description.—Where there is a contract to sell or a sale of goods by description, there is an implied warranty that the goods shall correspond with the description and if the contract or sale be by sample, as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

SECTION 15. Implied warranties of quality.—Subject to the provisions of this Act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract to sell or a sale, except as follows:

(1) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, and it appears that the buyer relies on the seller's skill or judgment (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be reasonably fit for such purpose;

(2) Where the goods are bought by description from a seller who deals in goods of that description (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be of merchantable quality;

(3) If the buyer has examined the goods, there is no implied warranty as regards defects which such examination ought to have revealed;

(4) In the case of a contract to sell or a sale of a specified article under its patent or other trade name, there is no implied warranty as to its fitness for any particular purpose;

(5) An implied warranty or condition as to the quality or fitness for a particular purpose may be annexed by the usage of trade;

(6) An express warranty or condition does not negative a warranty or condition implied under this Act unless inconsistent therewith.

SALE BY SAMPLE.

SECTION 16. Implied warranties in sale by sample.—In the case of a contract to sell or a sale by sample:

(a) There is an implied warranty that the bulk shall correspond with the sample in quality;

(b) There is an implied warranty that the buyer shall have a reasonable opportunity of comparing the bulk with the sample, except so far as otherwise provided in Section 47 (3);

(c) If the seller is a dealer in goods of that kind, there is an implied warranty that the goods shall be free from any defect rendering them unmerchantable which would not be apparent on reasonable examination of the sample.

PART II.

TRANSFER OF PROPERTY AS BETWEEN SELLER AND BUYER.

SECTION 17. No property passes until goods are ascertained.—Where there is a contract to sell unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained, but property in an undivided share of ascertained goods may be transferred as provided in Section 6.

SECTION 18. Property in specific goods passes when parties so intend.—(1) Where there is a contract to sell specific or ascertained goods, the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred;

(2) For the purpose of ascertaining the intention of the parties, regard shall be had to the terms of the contract, the conduct of the parties, usages of trade and the circumstances of the case.

SECTION 19. Rules for ascertaining intention.—Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer.

Rule 1. Where there is an unconditional contract to sell specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made and it is immaterial whether the time of payment, or the time of delivery, or both, be postponed.

Rule 2. Where there is a contract to sell specific goods and the seller is bound to do something to the goods, for the purpose of putting them into deliverable state, the property does not pass until such a thing be done.

Rule 3. (1) When the goods are delivered to the buyer "on sale or return", or on other terms indicating an intention to make a present sale, but to give the buyer an option to return the goods instead of paying the price, the property passes to the buyer on delivery, but he may revest the property in the seller by returning or tendering the goods within the time fixed in the contract, or, if no time has been fixed, within a reasonable time;

(2) When goods are delivered to the buyer on approval or on trial or on satisfaction, or other similar terms, the property therein passes to the buyer—

(a) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction;

(b) If he does not signify his approval or acceptance to the seller, but retains the goods without giving notice of rejection, then if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

Rule 4. (1) Where there is a contract to sell unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be expressed or implied, and may be given either before or after the appropriation is made;

(2) Where, in pursuance of a contract to sell, the seller delivers the goods to the buyer, or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to or holding for the buyer, he is presumed to have unconditionally appropriated the goods to the contract, except in the cases provided for in the next rule and in section 20. This presumption is applicable, although by the terms of the contract, the buyer is to pay the price before receiving delivery of the goods, and the goods are marked with the words "collect on delivery" or their equivalent.

Rule 5. If the contract to sell requires the seller to deliver the goods to the buyer, or at a particular place, or to pay the freight or cost of transportation to the buyer, or to a particular place, the property does not pass until the goods have been delivered to the buyer or reached the place agreed upon.

SECTION 20. Reservation of right of possession or property when goods are shipped.—(1) Where there is a contract to sell specific goods, or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of possession or property in the goods until certain conditions have been fulfilled. The right of possession or property may be thus reserved notwithstanding the delivery of the goods to the buyer or to a carrier or other bailee for the purpose of transmission to the buyer;

(2) Where goods are shipped, and by the bill of lading the

goods are deliverable to the seller or his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill of lading, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligation under the contract;

(3) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the buyer or of his agent, but possession of the bill of lading is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods as against the buyer;

(4) Where the seller of goods draws on the buyer for the price and transmits the bill of exchange and bill of lading together to the buyer to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honor the bill of exchange, and if he wrongfully retains the bill of lading he acquires no added right thereby. If, however, the bill of lading provides that the goods are deliverable to the buyer or to the order of the buyer, or is indorsed in blank, or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill of lading, or goods from the buyer will obtain the property in the goods, although the bill of exchange has not been honored, provided that such purchaser has received delivery of the bill of lading indorsed by the consignee named therein, or of the goods, without notice of the facts, making the transfer wrongful.

SECTION 21. Sale by auction.—In the case of a sale by auction:

(1) Where the goods are put up for sale by auction in lots, each lot is the subject of a separate contract of sale;

(2) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made, any bidder may retract his bid; and the auctioneer may withdraw the goods from sale unless the auction has been announced to be without reserve;

(3) A right to bid may be reserved expressly by or on behalf of the seller;

(4) Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ or induce any person to bid at such sale on his behalf, or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller or knowingly to take any bid from the seller or any person

employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer.

SECTION 22. Risk of loss.—Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer, the goods are at the buyer's risk whether delivery has been made or not, except that:

(a) Where delivery of the goods has been made to the buyer, or to a bailee for the buyer, in pursuance of the contract and the property in the goods has been retained by the seller merely to secure performance by the buyer of his obligations under the contract, the goods are at the buyer's risk from the time of such delivery;

(b) Where delivery has been delayed through the fault of either the buyer or seller the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault.

TRANSFER OF TITLE.

SECTION 23. Sale by a person not the owner.—(1) Subject to the provisions of this Act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell;

(2) Nothing in this Act, however, shall affect:

(a) The provisions of any factors' acts, recording acts, or any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof;

(b) The validity of any contract to sell or sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.

SECTION 24. Sale by one having a voidable title.—Where the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith, for value, and without notice of the seller's defect of title.

SECTION 25. Sale by seller in possession of goods already sold.—Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, the delivery or transfer by that person, or by an agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person receiving and paying value for

the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same.

SECTION 26. Creditors' rights against sold goods in seller's possession.—Where a person having sold goods continues in possession of the goods or of negotiable documents of title to the goods and such retention of possession is fraudulent in fact or is deemed fraudulent under any rule of law, a creditor or creditors of the seller may treat the sale as void.

SECTION 27. Definition of negotiable documents of title.—A document of title in which it is stated that the goods referred to therein will be delivered to the bearer or to the order of any person named in such document is a negotiable document of title.

SECTION 28. Negotiation of negotiable documents by delivery.—A negotiable document of title may be negotiated by delivery:

(a) Where, by the terms of the document, the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the bearer, or

(b) Where, by the terms of the document, the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the document has indorsed it in blank or to the bearer;

(c) Where, by the terms of a negotiable document of title, the goods are deliverable to bearer or where a negotiable document of title has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any specified person, and in such case the document shall thereafter be negotiated only by the indorsement of such indorsee.

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SECTION 29. Negotiation of negotiable documents by indorsement.—A negotiable document of title may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the document, deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiations may be made in like manner.

SECTION 30. Negotiable documents of title marked "Not negotiable".—If a document of title which contains an undertaking by a carrier, warehouseman or other bailee to deliver the goods to the bearer, to a specified person or order, or to the order of a

specified person, or which contains words of like import, has placed upon it the words "not negotiable", "non-negotiable" or the like, such a document may nevertheless be negotiated by the holder and is a negotiable document of title within the meaning of this Act. But nothing in this Act contained shall be construed as limiting or defining the effect upon the obligations of the carrier, warehouseman, or other bailee issuing a document of title or placing the words "not negotiable", "non-negotiable", or the like.

SECTION 31. Transfer of non-negotiable documents.—A document of title which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A non-negotiable document cannot be negotiated and the indorsement of such a document gives the transferee no additional right.

SECTION 32. Who may negotiate a document.—A negotiable document of title may be negotiated by any person in possession of same, however such possession may have been acquired, if, by the terms of the document, the bailee issuing it undertakes to deliver the goods to the order of such person, or if at the time of the negotiation the document is in such form that it may be negotiated by delivery.

SECTION 33. Rights of person to whom document has been negotiated.—A person to whom a negotiable document of title has been duly negotiated acquires thereby:

(a) Such title to the goods as the person negotiating the document to him had or had ability to convey to a purchaser in good faith for value and also such title to the goods as the person to whose order the goods were to be delivered by the terms of the document had or had ability to convey to a purchaser in good faith for value, and

(b) The direct obligation of the bailee issuing the document to hold possession of the goods for him according to the terms of the document as fully as if such bailee had contracted directly with him.

SECTION 34. Rights of person to whom document has been transferred.—A person to whom a document of title has been transferred, but not negotiated, acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor.

If the document is non-negotiable, such person also acquires the right to notify the bailee who issued the document of the transfer thereof, and thereby to acquire the direct obligation of such bailee to hold possession of the goods for him according to the terms of the document.

Prior to the notification of such bailee by the transferor or transferee of a non-negotiable document of title, the title of the transferee to the goods and the right to acquire the obligation of such bailee may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to such bailee by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

SECTION 35. Transfer of negotiable document without indorsement.—Where a negotiable document of title is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the document unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

SECTION 36. Warranties on sale of document.—A person who for value negotiates or transfers a document of title by indorsement or delivery, including one who assigns for value a claim secured by a document of title unless a contrary intention appears, warrants:

- (a) That the document is genuine;
- (b) That he has a legal right to negotiate or transfer it;
- (c) That he has knowledge of no fact which would impair the validity or worth of the document; and
- (d) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose, whenever such warranties would have been implied if the contract of the parties had been to transfer without a document of title the goods represented thereby.

SECTION 37. Indorser not a guarantor.—The indorsement of a document of title shall not make the indorser liable for any failure on the part of the bailee who issued the document or previous indorsers thereof to fulfill their respective obligations.

SECTION 38. When negotiation not impaired by fraud, mistake or duress.—The validity of the negotiation of a negotiable instrument of title is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation or by the fact that the owner of the document was deprived of the possession of the same by loss, theft, fraud, accident, mistake, duress or conversion, if the person to whom the document was negotiated, or the person to whom the document was subsequently negotiated, paid value therefor in good faith, without notice of the loss, theft, breach of duty, or fraud, accident, mistake, duress or conversion.

SECTION 39. Attachment or levy upon goods for which a negotiable document has been issued.—If goods are delivered to a bailee by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner and a negotiable document of title is issued for them they cannot thereafter, while in the possession of such bailee, be attached by garnishment or otherwise or be levied under an execution unless the document be first surrendered to the bailee or its negotiation enjoined. The bailee shall in no case be compelled to deliver up the actual possession of the goods until the document is surrendered to him or impounded by the court.

SECTION 40. Creditors' remedies to reach negotiable documents.—A creditor whose debtor is the owner of a negotiable document of title shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such document or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

PART III.

PERFORMANCE OF THE CONTRACT.

SECTION 41. Seller must deliver and buyer accept goods.—It is the duty of the seller to deliver the goods and of the buyer to accept and pay for them, in accordance with the terms of the contract to sell or sale.

SECTION 42. Delivery and payment are concurrent conditions.—Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions; that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

SECTION 43. Place, time and manner of delivery.—(1) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, express or implied, or usage of trade to the contrary, the place of delivery is the seller's place of business if he have one, and if not his residence; but in case of a contract to sell or a sale of specific goods, which to the knowledge of the parties when the contract or the sale was made were in some other place, then that place is the place of delivery.

(2) Where, by a contract to sell or a sale, the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3) Where the goods at the time of sale are in the possession of a third person, the seller has not fulfilled his obligation to deliver to the buyer unless and until such third person acknowledges to the buyer that he holds the goods on the buyer's behalf; but as against all others than the seller the buyer shall be regarded as having received delivery from the time when such third person first has notice of the sale. Nothing in this section, however, shall affect the operation of the issue or transfer of any document of title to the goods.

(4) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

SECTION 44. Delivery of wrong quantity.—(1) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts or retains the goods so delivered, knowing that the seller is not going to perform the contract in full, he must pay for them at the contract rate. If, however, the buyer has used or disposed of the goods delivered before he knows that the seller is not going to perform his contract in full, the buyer shall not be liable for more than the fair value to him of the goods so received.

(2) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

(4) The provisions of this section are subject to any usage of trade, special agreement, or course of dealing between the parties.

SECTION 45. Delivery in installments.—(1) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by installments.

(2) Where there is a contract to sell goods to be delivered by stated installments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more installments, or the buyer neglects or refuses to take delivery of or pay for one or more installments, it depends in each case on the terms

of the contract and the circumstances of the case, whether the breach of contract is so material as to justify the injured party in refusing to proceed further and suing for damages for breach of the entire contract, or whether the breach is severable, giving rise to a claim for compensation but not to a right to treat the whole contract as broken.

SECTION 46. Delivery to a carrier on behalf of the buyer.—

(1) Where, in pursuance of a contract to sell or a sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer is deemed to be a delivery of the goods to the buyer, except in the cases provided for in Section 19, Rule 5, or unless a contrary intent appears.

(2) Unless otherwise authorized by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circumstances of the case. If the seller omits so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(3) Unless otherwise agreed, where goods are sent by the seller to the buyer under circumstances in which the seller knows or ought to know that it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during such transit.

SECTION 47. Right to examine the goods.—(1) Where goods are delivered to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

(2) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

(3) Where goods are delivered to a carrier by the seller, in accordance with an order from or agreement with the buyer, upon the terms that the goods shall not be delivered by the carrier to the buyer until he has paid the price, whether such terms are indicated by marking the goods with words "collect on delivery", or otherwise, the buyer is not entitled to examine the goods before payment of the price in the absence of agreement permitting such examination.

SECTION 48. What constitutes acceptance.—The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller, or when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

SECTION 49. Acceptance does not bar action for damages.—In the absence of express or implied agreement of the parties, acceptance of the goods by the buyer shall not discharge the seller from liability in damages or other legal remedy for breach of any promise or warranty in the contract to sell or the sale. But, if, after acceptance of the goods, the buyer fails to give notice to the seller of the breach of any promise or warranty within a reasonable time after the buyer knows, or ought to know of such breach, the seller shall not be liable therefor.

SECTION 50. Buyer is not bound to return goods wrongly delivered.—Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he notifies the seller that he refuses to accept them.

SECTION 51. Buyer's liability for failing to accept delivery.—When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods. If the neglect or refusal of the buyer to take delivery amounts to a repudiation or breach of the entire contract, the seller shall have the right against the goods and on the contract hereinafter provided in favor of the seller when the buyer is in default.

[Sic]

PART IV.

RIGHTS OF UNPAID SELLER AGAINST THE GOODS.

SECTION 52. Definition of unpaid seller.—(1) The seller of goods is deemed to be an unpaid seller within the meaning of this Act:

(a) When the whole of the price has not been paid or tendered;

(b) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has been broken by reason of the dishonor of the instrument, the insolvency of the buyer, or otherwise;

(2) In this part of this Act the term "Seller" includes an agent of the seller to whom the bill of lading has been indorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price, or any other person who is in the position of a seller.

SECTION 53. Remedies of unpaid seller.—(1) Subject to the provisions of this Act, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has:

(a) A lien on the goods or right to retain them for the price while he is in possession of them;

(b) In case of the insolvency of the buyer, a right of stopping the goods in transit after he has parted with the possession of them;

(c) A right of resale as limited by this Act;

(d) A right to rescind the sale as limited by this Act.

(2) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and coextensive with his rights of lien and stoppage in transit where the property has passed to the buyer.

UNPAID SELLER'S LIEN.

SECTION 54. When right of lien may be exercised.—(1) Subject to the provisions of this Act, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely:

(a) Where the goods have been sold without any stipulation as to credit;

(b) Where the goods have been sold on credit, but the term of credit has expired;

(c) Where the buyer becomes insolvent.

(2) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

SECTION 55. Lien after part delivery.—Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien on the remainder, unless such part delivery has been made under such circumstances as to show an intent to waive the lien or right of retention.

SECTION 56. When lien is lost.—(1) The unpaid seller of goods loses his lien thereon:

(a) When he delivers the goods to a carrier or other bailee

for the purpose of transmission to the buyer without reserving the property in the goods or the right to the possession thereof;

(b) When the buyer or his agent lawfully obtains possession of the goods;

(c) By waiver thereof.

(2) The unpaid seller of goods, having a lien thereon, does not lose his lien by reason only that he has obtained judgment or decree for the price of the goods.

STOPPAGE IN TRANSIT.

SECTION 57. Seller may stop goods on buyer's insolvency.—Subject to the provisions of this Act, when the buyer of goods is or becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transit, that is to say, he may resume possession of the goods at any time while they are in transit, and he will then become entitled to the same rights in regard to the goods as he would have had if he had never parted with the possession.

SECTION 58. When goods are in transit.—(1) Goods are in transit within the meaning of Section 57:

(a) From the time when they are delivered to a carrier by land or water, or other bailee for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee;

(b) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, even if the seller has refused to receive them back.

(2) Goods are no longer in transit within the meaning of Section 57:

(a) If the buyer or his agent in that behalf obtains delivery of the goods before their arrival at the appointed destination;

(b) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent that he holds the goods on his behalf and continues in possession of them as bailee for the buyer or his agent; and it is immaterial that a further destination for the goods may have been indicated by the buyer;

(c) If the carrier or other bailee wrongfully refuses to deliver the goods to the buyer or his agent in that behalf.

(3) If the goods are delivered to a ship chartered by the buyer, it is a question depending on the circumstances of the particular case, whether they are in the possession of the master as a carrier or as agent of the buyer.

(4) If part delivery of the goods has been made to the buyer, or his agent in that behalf, the remainder of the goods may be stopped in transit, unless such part delivery has been made under such circumstances as to show an agreement with the buyer to give up possession of the whole of the goods.

SECTION 59. Ways of exercising the right to stop.—(1) The unpaid seller may exercise his right of stoppage in transit either by obtaining actual possession of the goods or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice, to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may prevent a delivery to the buyer.

(2) When notice of stoppage in transit is given by the seller to the carrier, or other bailee in possession of the goods, he must redeliver the goods to, or according to the directions of the seller. The expenses of such delivery must be borne by the seller. If, however, a negotiable document of title representing the goods has been issued by the carrier or other bailee, he shall not be obliged to deliver or justified in delivering the goods to the seller unless such document is first surrendered for cancellation.

RESALE BY THE SELLER.

SECTION 60. When and how resale may be made.—(1) Where the goods are of perishable nature, or whether the seller expressly reserves the right of resale in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time, an unpaid seller having a right of lien or having stopped the goods in transit may resell the goods. He shall not thereafter be liable to the original buyer upon the contract to sell or the sale or for any profit made by such resale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2) Where a resale is made, as authorized in this section, the buyer acquires a good title as against the original buyer.

(3) It is not essential to the validity of a resale that notice of an intention to resell the goods be given by the seller to the original buyer. But where the right to resell is not based on the perishable nature of the goods or upon an express provision of the contract or the sale, the giving or failure to give such notice shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the resale was made.

(4) It is not essential to the validity of a resale that notice of

the time and place of such resale should be given by the seller to the original buyer.

(5) The seller is bound to exercise reasonable care and judgment in making a resale, and subject to this requirement may make a resale either by public or private sale.

RECISSION BY THE SELLER.

[Sic]

SECTION 61. When and how the seller may rescind the sale.—

(1) An unpaid seller having the right of lien or having stopped the goods in transit, may rescind the transfer of title and resume the property in the goods, where he expressly reserved the right to do so in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time. The seller shall not thereafter be liable to the buyer upon the contract to sell or the sale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2) The transfer of title shall not be held to have been rescinded by an unpaid seller until he has manifested by notice to the buyer or by some other overt act an intention to rescind. It is not necessary that such overt act should be communicated to the buyer, but the giving or failure to give notice to the buyer of the intention to rescind shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the right of rescission was asserted.

[Sic]

SECTION 62. Effect of sale of goods subject to lien or stoppage in transit.—Subject to the provisions of this Act, the unpaid seller's right of lien or stoppage in transit is not affected by any sale, or other disposition of the goods which the buyer may have made, unless the seller has assented thereto. If, however, a negotiable document of title has been issued for goods, no seller's lien or right of stoppage in transit shall defeat the right of any purchaser for value in good faith to whom such document has been negotiated, whether such negotiations be prior or subsequent to the notification to the carrier, or other bailee who issued such document, of the seller's claim to a lien or right of stoppage in transit.

PART V.

ACTION FOR BREACH OF THE CONTRACT.

Remedies of the Seller.

SECTION 63. Action for the price.—(1) Where, under a contract to sell, or a sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract or the sale, the seller may maintain an action against him for the price of the goods.

(2) Where, under a contract to sell or a sale, the price is payable on a day certain, irrespective of delivery or of transfer of title, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract. But it shall be a defense to such an action that the seller at any time before judgment in such action has manifested an inability to perform the contract or the sale on his part or an intention not to perform it.

(3) Although the property in the goods has not passed if they cannot readily be resold for a reasonable price, and if the provisions of Section 64 (4) are not applicable, the seller may offer to deliver the goods to the buyer, and, if the buyer refuses to receive them, may notify the buyer that the goods are thereafter held by the seller as bailee for the buyer. Thereafter the seller may treat the goods as the buyer's and may maintain an action for the price.

SECTION 64. Action for damages for non-acceptance of goods.

—(1) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for non-acceptance.

(2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages is, in the absence of special circumstances, showing proximate damage of a greater amount, the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

(4) If, while labor or expense of material amount are necessary on the part of the seller to enable him to fulfill his obligations under the contract to sell or the sale, the buyer repudiates the contract or the sale, or notifies the seller to proceed no further therewith, the buyer shall be liable to the seller for no greater damages than the seller would have suffered if he did nothing towards carrying out the contract or the sale after receiving notice of the buyer's repudiation or countermand. The profit the seller would have made if the contract or the sale had been fully performed shall be considered in estimating such damages.

SECTION 65. When seller may rescind contract or sale.—Where the goods have not been delivered to the buyer, and the buyer has repudiated the contract to sell or sale, or has manifested his inability to perform his obligations thereunder, or has committed a

material breach thereof, the seller may totally rescind the contract or the sale by giving notice of his election so to do to the buyer.

REMEDIES OF THE BUYER.

SECTION 66. Action for converting or detaining goods.—Where the property in the goods has passed to the buyer and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain any action allowed by law to the owner of goods of similar kind when wrongfully converted or withheld.

SECTION 67. Action for failing to deliver goods.—(1) Where the property in the goods has not passed to the buyer, and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain an action against the seller for damages for non-delivery.

(2) The measure of damages is the loss directly and naturally resulting in the ordinary course of events, from the seller's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages, in the absence of special circumstances showing proximate damages of a greater amount, is the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

SECTION 68. Specific performance.—Where the seller has broken a contract to deliver specific or ascertained goods, a court having the powers of a court of equity may, if it thinks fit, on the application of the buyer, by its judgment or decree direct that the contract shall be performed specifically, without giving the seller the option of retaining the goods on payment of damages. The judgment or decree may be unconditional, or upon such terms and conditions as to damages, payment of the price and otherwise, as to the court may seem just.

SECTION 69. Remedies for breach of warranty.—(1) Where there is a breach of warranty by the seller, the buyer may, at his election:

(a) Accept or keep the goods and set up against the seller, the breach of warranty by way of recoupment in diminution or extinction of the price.

(b) Accept or keep the goods and maintain an action against the seller for damages for the breach of warranty;

(c) Refuse to accept the goods, if the property therein has not passed, and maintain an action against the seller for damages for the breach of warranty;

(d) Rescind the contract to sell or the sale and refuse to receive the goods or if the goods have already been received, return them or offer to return them to the seller and recover the price or any part thereof which has been paid.

(2) When the buyer has claimed and been granted a remedy in any one of these ways, no other remedy can thereafter be granted.

(3) Where the goods have been delivered to the buyer, he cannot rescind the sale if he knew of the breach of warranty when he accepted the goods, or if he fails to notify the seller within a reasonable time of the election to rescind, or if he fails to return or to offer to return the goods to the seller in substantially as good condition as they were in at the time the property was transferred to the buyer. But if deterioration or injury of the goods is due to the breach of warranty, such deterioration or injury shall not prevent the buyer from returning or offering to return the goods to the seller and rescinding the sale.

(4) Where the buyer is entitled to rescind the sale and elects to do so, the buyer shall cease to be liable for the price upon returning or offering to return the goods. If the price or any part thereof has already been paid, the seller shall be liable to repay so much thereof as has been paid, concurrently with the return of the goods, or immediately after an offer to return the goods in exchange for repayment of the price;

(5) Where the buyer is entitled to rescind the sale and elects to do so, if the seller refuses to accept an offer of the buyer to return the goods, the buyer shall thereafter be deemed to hold the goods as bailee for the seller, but subject to a lien to secure the repayment of any portion of the price which has been paid, and with the remedies for the enforcement of such lien allowed to an unpaid seller by Section 53;

(6) The measure of damages for breach of warranty is the loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty;

(7) In the case of breach of warranty of quality, such loss, in the absence of special circumstances showing proximate damage of a greater amount, is the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

SECTION 70. Interest and special damages.—Nothing in this Act shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

PART VI.

INTERPRETATION.

SECTION 71. Variation of implied obligations.—Where any right, duty or liability would arise under a contract to sell or a sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by custom, if the custom be such as to bind both parties to the contract or the sale.

SECTION 72. Rights may be enforced by action.—Where any right, duty or liability is declared by this Act, it may, unless otherwise by this Act provided, be enforced by action.

SECTION 73. Rule for cases not provided for by this Act.—In any case not provided for in this Act, the rules of law and equity, including the law of merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall continue to apply to contracts to sell and to sales of goods.

SECTION 74. Interpretation shall give effect to purpose of uniformity.—This Act shall be so interpreted and construed, as to effectuate its general purpose to make uniform the laws of those states which enact it.

SECTION 75. Provisions not applicable to mortgages.—The provisions of this Act relating to contracts to sell and to sales do not apply, unless so stated, to any transaction in the form of a contract to sell or a sale which is intended to operate by way of mortgage, pledge, charge, or other security.

SECTION 76. Definitions.—(1) In this Act, unless the context or subject matter otherwise requires:

“Action” includes counterclaim, set-off and suit in equity.

“Buyer” means a person who buys or agrees to buy goods or any legal successor in interest of such person.

“Defendant” includes a plaintiff against whom a right of set-off or counterclaim is asserted.

“Delivery” means voluntary transfer of possession from one person to another.

“Divisible contract to sell or sale” means a contract to sell or a sale in which by its terms the price for a portion or portions of the goods less than the whole is fixed or ascertainable by computation.

“Document of title to goods” includes any bill of lading, dock warrant, warehouse receipt or order for the delivery of goods, or any other document used in the ordinary course of business in

the sale or transfer of goods, as proof of the possession or control of the goods, or authorizing or purporting to authorize the possessor of the document to transfer or receive, either by indorsement or by delivery, goods represented by such document.

"Fault" means wrongful act or default.

"Fungible goods" means goods of which any unit is from its nature or by mercantile usage treated as the equivalent of any other unit.

"Future goods" means goods to be manufactured or acquired by the seller after the making of the contract of sale.

"Goods" include all chattels personal other than things in action and money. The term includes emblements, industrial growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale.

"Order" in sections of this Act relating to documents of title means an order by indorsement on the documents.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

"Plaintiff" includes defendant asserting a right of set-off or counterclaim.

"Property" means the general property in goods, and not merely a special property.

"Purchaser" includes mortgagee and pledgee.

"Purchases" includes taking as a mortgagee or as a pledgee.

"Quality of goods" includes their state or condition.

"Sale" includes a bargain and sale as well as a sale and delivery.

"Seller" means a person who sells or agrees to sell goods or any legal successor in the interest of such person.

"Specific goods" means goods identified and agreed upon at the time a contract to sell or a sale is made.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing claim, whether for money or not, constitutes value where goods or documents of title are taken either in satisfaction thereof or as security therefor.

(2) A thing is done "in good faith" within the meaning of this Act when it is in fact done honestly, whether it be done negligently or not.

(3) A person is insolvent within the meaning of this Act who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due, whether he has committed an act of bankruptcy or not, and whether he is insolvent within the meaning of the federal bankruptcy law or not.

(4) Goods are in a "deliverable state" within the meaning of this Act when they are in such a state that the buyer would, under the contract, be bound to take delivery of them.

SECTION 76A. Act does not apply to existing sales or contracts to sell.—None of the provisions of this Act shall apply to any sale, or to any contract to sell, made prior to the taking effect of this Act.

SECTION 77. Uniformity of interpretation.—This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states and territories which enact it.

SECTION 78. Inconsistent legislation repealed.—All Acts or parts of Acts inconsistent with this Act are hereby repealed.

SECTION 79. Time when Act takes effect. This Act shall take effect upon its approval.

SECTION 80. Name of Act. This Act may be cited as the Uniform Sales Act.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 190

[H. B. No. 53]

AN ACT AMENDING SECTION 2 OF ACT 251 OF THE SESSION LAWS OF 1927, PROVIDING FOR RETIREMENT OF CERTAIN COUNTY OR CITY AND COUNTY EMPLOYEES TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 2 of Act 251 of the Session Laws of 1927 be amended to read as follows:

"Section 2. Membership in Territorial System. Membership shall be optional with all county and city and county employees in service on January 1, 1928, and any such officer or employee who elects to join the system within two calendar years thereafter shall be entitled to a prior service certificate covering full credit for service rendered prior to January 1, 1928. Employees entitled to prior service credit applying and admitted to membership within one calendar year from January 1, 1929, shall pay to the Employees' Retirement System of the Territory of Hawaii, in installments, an amount equal to the amount that would have been paid into the Annuity Savings Fund had they become members during the calendar year commencing January 1, 1928. Such pay-

ment shall be made within a period no greater than the number of months elapsed between their first date of eligibility and the date of membership. Such employees shall receive membership credit for the time for which payments are made. Membership shall be compulsory on all employees entering the service of such counties or city and county after January 1, 1928, if membership would have been compulsory had they entered territorial service in similar position, except that no officer or employee entering service after January 1, 1928, and who is entitled to become a member of any pension fund under the provisions of Chapter 130 of the Revised Laws of Hawaii 1925, shall be entitled to become a member of the Employees' Retirement System of the Territory of Hawaii."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 191

[H. B. No. 292]

AN ACT TO AMEND SECTION 433 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 233 OF THE SESSION LAWS OF HAWAII 1925, AND TO AMEND SECTIONS 434 AND 435 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE FAIR COMMISSION OF HAWAII, BY ENLARGING THE MEMBERSHIP AND CHANGING CERTAIN POWERS AND DUTIES THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 433 of the Revised Laws of Hawaii 1925, as amended by Act 233 of the Session Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 433. Fair Commission; members, appointment and tenure. The Governor shall appoint seven persons in accordance with the provisions of Section 80 of the Organic Act, who shall constitute a commission to be known as the 'Fair Commission of Hawaii'. One of the commissioners shall be appointed and designated as chairman. The commissioners shall hold office for terms not to exceed four years, nor to exceed the term of office of the Governor appointing them, and shall be subject to removal for cause."

SECTION 2. Section 434 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 434. Territorial Fair. The commission may cause to be held at some suitable place in the City and County of Honolulu on days which it may select, and at such times as may be deemed desirable in its discretion, a fair or exhibition for the purpose of showing and exhibiting mechanical, live stock, agricultural and horticultural products of the territory."

SECTION 3. Section 435 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 435. Powers of Commission. The Commission is authorized and empowered to sell concessions and space in the fair grounds, and to charge reasonable admission fees thereto, and all moneys realized from the sale of concessions and space and gate receipts shall be paid by the Commission to the territorial treasurer, who shall deposit the same in the special fund provided for in Section 432 of the Revised Laws of Hawaii 1925, as amended, for the purposes of this chapter.

"The Commission is also authorized to grant premiums, medals, ribbons and prizes for the best exhibits displayed at any fair held under this chapter; and to provide for the accommodation and maintenance of all exhibits during the time such exhibits are kept on exhibition.

"Whenever any fair grounds and/or lands under the jurisdiction of the Commission are not required for fair or exhibition purposes, the Commission may, within its discretion, permit the general public to use the same for recreational and/or other public purposes, and may establish and maintain tennis courts, playgrounds, and a golf course thereon. The Commission is authorized to charge the public using such grounds and/or lands reasonable fees therefor, and all moneys so realized shall be paid into the special fund above mentioned, which special fund shall be available for all the purposes provided for by this chapter."

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May A. D. 1929.

Governor of the Territory of Hawaii.
W. R. FARRINGTON.

ACT 192

[H. B. No. 375]

AN ACT TO AMEND SECTION 1373 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 192 OF THE SESSION LAWS OF 1925, AND BY ACT 203 OF THE SESSION LAWS OF 1927, RELATING TO THE SALE OF REAL PROPERTY TO ENFORCE LIENS FOR TAXES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1373 of the Revised Laws of Hawaii 1925, as amended by Act 192 of the Session Laws of 1925, and by Act 203 of the Session Laws of 1927, is hereby amended to read as follows:

“Section 1373. Sale of real property. All real property or any interest therein and all improvements upon real property assessed to others than the owners of the real property, on which a lien for taxes shall exist may be sold by way of foreclosure of such lien without suit by the tax assessor, and in case any such lien, or any part thereof, has existed thereon for three years, shall be sold by the tax assessor, at public auction to the highest bidder, for cash, to satisfy the lien, together with all interest, penalties, costs and expenses due or incurred on account of the tax, lien and sale, the surplus, if any, to be rendered to the person thereto entitled. The sale shall be held at any public place proper for sales on execution, after notice published at least once a week for at least four successive weeks immediately prior thereto in any newspaper of general circulation published in the taxation division wherein the property to be sold is situate, or, if there be no newspaper published in said taxation division, then in any newspaper of general circulation. Such notice shall also be posted for a like period in at least three conspicuous public places within the taxation division wherein the sale is to be held, one being at a post office and one being on such land. The assessor shall also send by registered mail a notice of such proposed sale, directed to any person or persons holding any mortgage or other lien recorded or registered in the registry of conveyances or in the office of the assistant registrar of the land court, which notice shall be directed to the last known address of such person and shall be deposited in the mail at least ten days prior to the date set for such sale. The notice of sale shall contain the name of the person assessed, or from whom the tax is due, the character and amount of the tax, with interest, penalties, costs, expenses and charges accrued, a brief description of the property to be sold, and the time and place of sale, and shall warn the persons assessed or from whom the tax

is due, that unless the tax, with all interest, penalties, costs, expenses and charges is paid before the time of sale appointed, the property advertised for sale will be sold as advertised.

The tax assessor, or his deputy, shall, on payment of the purchase price, make, execute and deliver all proper conveyances necessary in the premises and the delivery of such conveyances shall vest in the purchaser the title to the property sold; provided, that the deed to the premises, provided for in this section, shall be recorded within one month of such sale, and, provided, further, that the taxpayer may redeem the property sold as aforesaid by payment to the purchaser at such sale, within one year from the date thereof, the amount paid by such purchaser, together with all costs and expenses which such purchaser was required to pay, including the fee for such recording of deed, and in addition thereto, interest on such amount at the rate of twelve per centum per annum."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 193

[H. B. No. 388]

AN ACT TO AMEND SECTION 324 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 139 OF THE SESSION LAWS OF 1927, RELATING TO PUBLIC INSTRUCTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 324 of the Revised Laws of Hawaii 1925, as amended by Act 139 of the Session Laws of 1927, is hereby amended to read as follows:

"Section 324. Attendance compulsory; exceptions. The attendance of all children from six to fourteen years of age, at either a public or private school, is obligatory and it shall be incumbent upon all parents, guardians and others having the responsibility and care of children of such ages, to send them to some such school; provided that such attendance shall not be compulsory in the following cases:

First. Where the distance to the nearest school exceeds four miles and no suitable transportation is provided;

Second. Where such child shall be physically or mentally unable to attend school, of which fact the certificate of a duly licensed physician shall be sufficient evidence;

Third. When a competent person is employed as tutor in the family wherein such child resides and proper instruction is thereby imparted;

Fourth. Where any child of not less than the age of thirteen years shall have passed the required examination of both primary and grammar school grades, as such requirements shall from time to time exist, provided he shall be suitably employed;

Fifth. Where, upon investigation by the Juvenile Court, when feasible, or by the district magistrate, it has been shown that for any other reason the child may properly remain away from school;

Sixth. Where any child has attained the age of fourteen years and has not completed the fifth grade, such child shall be dropped; provided, however, that such child shall attend vocational or special opportunity classes in such vocational or opportunity schools as shall be provided by the department of public instruction; and provided further, that such child may be reinstated to his regular grade by the superintendent of public instruction if, in his opinion, the facts warrant such reinstatement;

Seventh. If for any reason a child shall become a detriment to the morals or discipline of any school such child may be dropped by the principal with the approval of the supervising principal; provided, however, that an appeal may be taken on behalf of such child to the superintendent of public instruction within ten days from the date of such action;

Eighth. No child, who is seventeen years of age or over shall be admitted to the ninth grade of a public four-year high school and no child, who is eighteen years of age or over, shall be admitted to the tenth grade of a public senior high school except upon the written permission of the superintendent of public instruction when in his opinion the facts warrant such admissions;

Ninth. Any high school student whose work is below passing in half or more of his subjects shall be placed on probation and, if his work does not improve to the satisfaction of the superintendent of public instruction during the subsequent semester, he shall be dropped; provided, however, that such student may be reinstated by the superintendent of public instruction, if, in his opinion, the facts warrant such reinstatement."

SECTION 2. This Act shall take effect July 1, 1929.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 194

[H. B. No. 393]

AN ACT TO AMEND CHAPTER 118 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO MUNICIPAL GOVERNMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1831 of the Revised Laws of Hawaii 1925^{1832 P. 7} as amended by Act 22 of the Session Laws of 1927, relating to police officers and other assistants, is hereby further amended by adding a new paragraph to read as follows:

"And it shall be the duty of the board of supervisors of the City and County of Honolulu to provide sufficient funds and to authorize the sheriff to appoint at least one police officer to serve in the District of Honolulu for each six hundred (600) inhabitants in said district, it being provided that the minimum salary for any police officer shall be the sum of one hundred and fifty dollars (\$150.00) and it being further provided that the term 'police officer' as used herein shall not include the sheriff, deputy sheriffs, employees of Honolulu Jail, clerical help, turnkeys, matrons, court officers, probation officers, inspectors of vehicles, examiners of chauffeurs, inspectors of weights and measures and cooks, but shall include policewomen. The board of supervisors shall take for the number of inhabitants in said district the latest computation made by the board of health of the Territory of Hawaii."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 195

[H. B. No. 395]

AN ACT TO AMEND SECTION 1309 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 180 OF THE SESSION LAWS OF HAWAII 1925, AND ACT 33 OF THE SESSION LAWS OF HAWAII 1927, RELATING TO TAXATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1309 of the Revised Laws of Hawaii 1925, as amended by Act 180 of the Session Laws of Hawaii 1925, and Act 33 of the Session Laws of Hawaii 1927, is hereby further amended by adding a proviso at the end thereof to read as follows:

"It being provided, however, that in the City and County of Honolulu the board of supervisors may expend up to the sum of one hundred thousand dollars (\$100,000.00) from said fund for the providing of additional police officers."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 196

[S. B. No. 98]

AN ACT MAKING AN APPROPRIATION TO REIMBURSE CERTAIN PERSONS FOR MONEYS IMPROPERLY COLLECTED IN CONNECTION WITH THE WAIOLAMA LAND SANITATION PROJECTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums are hereby appropriated, out of any moneys in the Revolving Fund created by Section 989 of the Revised Laws of Hawaii 1925, to pay the parties hereinafter named in the amounts set opposite their respective names to reimburse them for moneys improperly collected from them in connection with the fill and drain of the Waiolama Swamp in Hilo, Hawaii, to-wit:

Estate B. P. Bishop.....	\$4,495.25
Estate W. G. Kaihenui.....	1,219.25
Estate D. Kaihenui.....	519.64
C. S. Carlsmith.....	334.90
Annie and Peter Victor.....	168.85
First Trust Co. of Hilo.....	2,823.22
Volcano Stables and Transportation Com- pany	2,733.53
Hilo Hongwanji.....	257.32
Mrs. M. Campbell.....	21.90
Wong Long Too Association.....	33.58
John T. Baker, Est. of.....	581.64
Kumukai Victor	507.95
J. S. Canario.....	66.24
Mrs. W. Okino.....	84.93
Hawaii Consolidated Railway Co.....	68.69
Hilo Rice Mill	228.19

SECTION 2. The respective amounts shall be paid upon warrants issued by the Auditor of the Territory of Hawaii, based upon vouchers approved by the Superintendent of Public Works.

SECTION 3. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 197

[S. B. No. 110]

AN ACT RELATING TO MOTOR VEHICLES AND THE REGISTRATION THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Application for Registration.

(a) Every owner of a motor vehicle which shall be operated upon the public highways of this Territory shall, for each vehicle owned, except as herein otherwise provided, apply to the County Treasurer of the county where such vehicle is to be operated, for the registration thereof.

(b) Application for the registration of a vehicle herein required to be registered shall be made upon the appropriate form furnished by the County Treasurer and shall contain the name, occupation and address of the owner and legal owner and if the applicant is a member of the United States Naval or Military forces, the applicant shall give his organization and station. All applications shall also contain a description of the vehicle, including the name of the maker, the motor number and the date first sold by the manufacturer or dealer to the consumer, and such further description of the vehicle as shall be called for in the form, and such other information as may be required by the County Treasurer, to establish legal ownership.

(c) In the event that the vehicle to be registered should be specially constructed, reconstructed, or an imported vehicle, such fact shall be stated in the application and upon the registration of every imported motor vehicle, which has been registered theretofore in any other state or country, the owner shall surrender to the County Treasurer his certificates of registration or other evidence of such form of registration as may be in the applicant's possession or control.

(d) The provisions of this Act requiring the registration of motor vehicles shall not apply to special mobile equipment nor to

implements of husbandry temporarily drawn, moved, or otherwise propelled upon the public highways.

SECTION 2. It shall be the duty of the County Treasurer to examine and to the best of his ability to determine the genuineness and regularity of every registration and transfer of registration of a vehicle as in this Act provided, in order that every certificate issued for a vehicle shall contain true statements of the ownership thereof, and to prevent the registration of a vehicle by any person not entitled thereto, and the County Treasurer is hereby authorized to require any applicant to furnish such information, in addition to that contained in the application, as may be necessary to satisfy the County Treasurer of the truth and regularity of the application.

SECTION 3. The County Treasurer is hereby authorized to assign a distinguishing motor number to the motor in any motor vehicle where the motor number thereon shall be destroyed or obliterated. Any person destroying or obliterating any motor number on a motor vehicle shall be guilty of a misdemeanor and shall be punished as provided in Section 15 of this Act.

SECTION 4. The County Treasurer in the county where the application for registration is made, shall file each application received and register the vehicle therein described in the owner's name in a permanent record or book to be kept by him for this purpose, as follows:

(1) Under a distinctive registration number assigned to the vehicle and to the owner thereof hereinafter referred to as the registration number;

(2) Alphabetically under the name of the owner;

(3) Numerically under the motor number of the vehicle;

(4) The County Treasurer may also register such vehicle under the serial number of such vehicle or otherwise in his discretion.

SECTION 5. A full record of all vehicles registered shall be posted daily by the County Treasurer in a public place in or about his office.

SECTION 6. Upon the registration of a vehicle, the County Treasurer shall issue a certificate of registration to the owner and a certificate of ownership to the legal owner, which certificates shall meet the following requirements:

(1) Both the certificate of registration and the certificate of ownership shall contain upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner and legal owner in typewriting,

also such description of the registered vehicle as may be determined by the County Treasurer;

(2) The reverse side of the certificate of ownership only shall contain forms for notice to the County Treasurer of a transfer of the title or interest of the owner or legal owner and application for registration by the transferee.

(3) Containers. Whenever a vehicle is first registered hereunder, the County Treasurer shall issue a suitable container with the certificate of registration issued for such vehicle. Every owner upon receipt of a certificate of registration shall place the same in the container furnished therewith or heretofore furnished and shall securely fasten the same in plain sight within the driver's compartment of the vehicle for which such certificate is issued, or in the event the vehicle is a motorcycle, shall fasten the certificate of registration thereto in plain sight or carry such certificate in the tool bag or other convenient receptacle attached to such vehicle.

SECTION 7. Every motor vehicle as aforesaid within the Territory of Hawaii shall be registered under this Act as of January 1st, 1930, such registration to be made prior to March 1st, 1930, and every registration under this Act shall expire on January 31st of each year and shall be renewed annually before March 1st of each year, upon application to be determined by the County Treasurer, such renewal to take effect on the first day of January of each year. Certificates of registration and ownership furnished by the County Treasurer as in this Act provided shall be valid during the registration year only for which they are issued.

The provisions of this Act shall be administered by the Treasurer in conjunction with the requirements of Section 1306 of the Revised Laws of Hawaii 1925, as amended, and shall entail no additional expense or charge to the person registering the ownership of a motor vehicle other than now provided by law and the cost of container provided for in Section 13 hereof.

SECTION 8. (a) Upon a transfer of the title or interest of a legal owner or owners in or to a vehicle registered under the provisions of this Act as hereinbefore required, the person or persons whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of ownership issued for such vehicle, together with the address of the transferee in the appropriate space provided upon the reverse of such certificate.

(b) Within ten days thereafter, the transferee shall forward both the certificate of ownership so indorsed and the certificate of registration to the County Treasurer, who shall file the same upon receipt thereof.

(c) The provisions of subdivision (b) of this section, requiring a transferee to forward the certificate of ownership after indorsement and the certificate of registration to the County Treasurer, shall not apply to the transferee of a vehicle who was not intending to and does not drive such vehicle or permit such vehicle to be driven upon the public highways, but every such transferee shall, upon transferring his interest or title to another, give notice of such transfer to the County Treasurer and indorse the certificate of ownership to the new legal owner and the certificate of registration to the new owner.

(d) The County Treasurer, upon receipt of the certificate of ownership properly indorsed as required herein and the certificate of registration of such vehicle, shall register such vehicle as hereinbefore provided with reference to an original registration, and shall issue to the owner and legal owner entitled thereto by reason of such transfer a new certificate of registration and certificate of ownership, respectively, in the manner and form hereinabove provided for original registration.

(e) Until said County Treasurer shall have issued said new certificate of registration and certificate of ownership as hereinbefore in subdivision (d) provided, delivery of such vehicle shall be deemed not to have been made and title thereto shall be deemed not to have passed, and said intended transfer shall be deemed to be incomplete and not to be valid or effective for any purpose.

(f) In the event of the transfer by operation of law of the title or interest of a legal owner or owners in and to a vehicle registered under the provisions of this Act, as upon inheritance, devise or bequest, order in bankruptcy, or insolvency, execution sale, repossession upon default in performance of the terms of a lease or executory sales contract, or otherwise than by the voluntary act of the person whose title or interest is so transferred, the certificate of ownership shall be signed upon the reverse thereof by the executor, administrator, receiver, trustee, sheriff or other representative or successor in interest of the person whose title or interest is so transferred in lieu of such person. Every such executor, administrator, receiver, trustee, sheriff or other representative hereinabove referred to shall file with the County Treasurer a notice of any transfer by sale, lease, or otherwise by him or it, of any such vehicle, together with evidence satisfactory to the County Treasurer of all facts entitling such representative to make such transfer.

(g) Nothing in the foregoing subdivisions of this Section shall prevent a legal owner from assigning his title or interest in or to a vehicle registered under the provisions of this Act to another legal owner without the consent of and without affecting the in-

terest of the holder of the certificate of registration thereof. Upon filing with the County Treasurer of a certificate of ownership indorsed by the legal owner and a transferee of legal ownership, the County Treasurer shall enter the name of the new legal owner upon the records of his office, and shall issue a new certificate of ownership to the new legal owner in the form hereinbefore provided for original registration; upon so doing the County Treasurer shall send to the registered owner a notice by mail of such action.

(h) Any person who refuses or neglects to deliver a certificate of ownership to a transferee entitled thereto under the provisions of this Act, shall be guilty of a misdemeanor and shall be punished as provided in Section 15 of this Act.

(i) Every dealer, upon transferring a motor vehicle, whether by sale, lease or otherwise, shall immediately give notice of such transfer to the County Treasurer upon the official form provided by the County Treasurer. Every such notice shall contain the date of such transfer, the names and addresses of the transferer and transferee, and such description of the vehicle as may be called for in such official form.

SECTION 9. (a) A manufacturer of or dealer in motor vehicles having an established place of business in this Territory, owning any such vehicles and operating them upon the public highways exclusively for the purposes of his business, in lieu of registering each such vehicle, may make application upon an official blank provided for that purpose to the County Treasurer for a general distinguishing number or symbol.

(b) Upon receipt of such application, the County Treasurer shall issue to the applicant a certificate of registration, containing the latter's name and business address and the general distinguishing number or symbol assigned to him in such form and containing such further information as the County Treasurer may determine, and every vehicle owned or controlled by such manufacturer or dealer, and permitted to be registered under a general distinguishing number, while being operated for the purposes of his business only, shall be regarded as registered thereunder until ten days after being sold.

(c) The County Treasurer shall also, upon receipt of such application, or thereafter, furnish to the manufacturer or dealer one or more pair of automobile plates or single plates for other vehicles required by the applicant, and every such plate shall have displayed upon it the registration number which is assigned to the applicant, with a different letter or symbol on each pair of automobile number plates and on each single plate for other vehicles.

(d) No such manufacturer or dealer shall operate any motor vehicle, owned or controlled by him, upon any public highway or permit it to be so operated, unless number plates assigned to him are attached thereto, in the manner hereinbefore specified in this Act, excepting only that it shall be permissible for such manufacturer or dealer to operate any such vehicle without number plates attached thereto from any vessel, railroad depot or warehouse over the public highways, to the salesrooms or other place of business of such manufacturer or dealer, or to a warehouse or other place of storage.

Every such manufacturer or dealer, upon the sale, lease or other transfer by him of a vehicle registered under a general distinguishing number, as herein provided, shall forthwith give notice of such transfer to the County Treasurer upon the appropriate official form, stating therein the date of such transfer, a description of such vehicle and the name and post office address of the transferee.

(f) The County Treasurer may, at his discretion, grant a temporary permit to operate a vehicle for which registration has been applied.

SECTION 10. (a) A non-resident owner of a motor vehicle which has been duly registered for the current year in the state or country of which the owner is a resident and in accordance with the laws thereof, may, in lieu of registering such vehicle as otherwise required by this Act, apply to the County Treasurer for the registration thereof as provided in this section.

(b) A non-resident owner shall, within ten days after commencing to operate such vehicle or causing or permitting it to be operated within this Territory, apply to the County Treasurer for the registration thereof upon the appropriate official form stating therein the name and home address of the owner and the temporary address, if any, of the owner while within this Territory, the registration number of said vehicle as assigned thereto in the state or territory in which the owner is a resident, together with such description of the motor vehicle as may be called for in the form and such other statements of facts as may be required by the County Treasurer.

(c) The County Treasurer shall file every application received and register the vehicle therein described and the owner thereof in suitable books or on index cards, and shall, without charge, issue to the owner a registration certificate of a distinctive form containing the date of its issue, a brief description of the vehicle and a statement that the owner has procured registration of such vehicle as a non-resident.

(d) No non-resident owner of a motor vehicle shall operate

any such vehicle or cause or permit it to be operated upon the public highways of this Territory, either before or while it is registered under this section, unless there shall at all times be displayed thereon the registration number plates assigned to said vehicle for the current calendar year by the country or state of which such owner is a resident, nor unless the certificate of registration, when issued thereto as in this section provided, shall be placed on the wind-shield of said motor vehicle in the manner to be specified by the County Treasurer.

(e) Every certificate of registration issued pursuant to this section shall be valid not to exceed three months from the date of its issuance.

SECTION 11. In the event that any certificate of registration or certificate of ownership shall be lost, mutilated or shall have become illegible, the person to whom the same shall have been issued shall immediately make application for and may obtain a duplicate thereof upon furnishing satisfactory information to the County Treasurer.

SECTION 12. The following words and phrases used in this Act shall have the meaning herein ascribed to them:

(1) "Treasurer" or "County Treasurer". The term "Treasurer" or "County Treasurer" shall be deemed to mean and include the County Treasurers of the several counties of this Territory and their respective deputies, as well as the Treasurer of the City and County of Honolulu and his deputies.

(2) "Motor Vehicle". Every vehicle as herein described which is self-propelled.

(3) "Person". Every natural person, firm, co-partnership, association or corporation.

(4) "Owner". A person having the lawful use or control or the right to the use or control of a motor vehicle under a lease or otherwise for a period of ten or more successive days.

(5) "Legal Owner". A person who holds the legal title to a motor vehicle or a mortgage thereon.

(6) "County". Every county and city and county within the Territory of Hawaii.

SECTION 13. The container referred to in paragraph three of Section 6 shall be furnished by the Treasurer, for which he shall charge a sum not to exceed fifty cents.

SECTION 14. All motor vehicles owned by any foreign government or by a consul or other official representative thereof, or by the United States Government, or by the Territory of Hawaii or any political subdivision thereof, shall be registered as herein required by the person having the custody thereof, and such custodian shall display official registration by distinguishing marks

thereon which shall be furnished by the Treasurer, free of charge, and where motor vehicles are owned by the Territory of Hawaii or any of its municipal subdivisions, such motor vehicle shall bear the inscription provided for in Chapter 20 of the Revised Laws of Hawaii 1925.

SECTION 15. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Five, nor more than One Thousand, Dollars or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

SECTION 16. All laws or parts of laws in conflict with or repugnant to any of the provisions of this Act are hereby repealed, but nothing herein contained shall be construed to amend or repeal Chapter 20 of the Revised Laws of Hawaii 1925, or any part thereof, or Section 1306 of the Revised Laws of Hawaii 1925, as amended, or any part thereof.

SECTION 17. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 198

[S. B. No. 112]

AN ACT APPROPRIATING THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) TO REIMBURSE CHARLES LAI YOUNG FOR THE USE AND OCCUPANCY BY THE DEPARTMENT OF PUBLIC INSTRUCTION OF CERTAIN LANDS OWNED BY HIM.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated, out of the general revenues of the Territory of Hawaii, the sum of Five Hundred Dollars (\$500.00), to be paid to Charles Lai Young, or order, as and for reimbursement to him for the use and occupancy of those certain lands owned by him, situate at Kailua, Island of Oahu, by the Department of Public Instruction of the Territory for public school purposes for the years since past.

SECTION 2. The Auditor of the Territory is hereby authorized and directed to draw a warrant upon the Treasurer of the Territory, payable to Charles Lai Young, or order, for the sum of Five Hundred Dollars (\$500.00), and to deliver said warrant to said Charles Lai Young.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 199

[S. B. No. 118]

AN ACT TO AMEND SECTION 342 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE USE OF MONEYS COLLECTED FOR THE GENERAL AND SPECIAL SCHOOL FUNDS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The second sentence of Section 342 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Such amounts shall be set aside and held as special funds by the treasurers of said counties and city and county, respectively, and used exclusively for the respective purposes specified in said 'Special Fund', as approved by the Legislature from time to time; provided, however, that the amount set forth in the items providing for janitor service and supplies in such 'Special Fund' shall be set aside by the treasurers of the respective counties and city and county to be expended by the Department of Public Instruction upon warrants drawn by the auditors of the respective counties and city and county, based upon vouchers approved by the Superintendent of Public Instruction or his duly deputized agents, which vouchers shall be sufficient authorization for the issuance and payment of such warrants; provided, further, that in the employment of janitor service, preference shall be given, where practicable, to needy and deserving pupils or their parents; and provided, further, that all balances unexpended, or not contracted for during any appropriation period, shall be and remain in the treasuries of the respective counties or city and county, subject to reappropriation by the respective boards of supervisors, with the approval of the Superintendent of Public Instruction, for any of the purposes specified in the 'Special Fund', as fixed by the Legislature for the same or the succeeding biennial period."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 200

[S. B. No. 130]

AN ACT TO PROVIDE FOR THE ACQUISITION OF LAND ADJOINING THE GOVERNMENT SCHOOL LOT IN WAIPIO VALLEY, DISTRICT OF HAMAKUA, COUNTY OF HAWAII, FOR SCHOOL PURPOSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Commissioner of Public Lands of the Territory of Hawaii is hereby authorized and directed, as soon as sufficient funds shall be available for such purposes out of the proceeds of the sale of public lands in the County of Hawaii, to purchase, or otherwise acquire, for school purposes, five acres of land adjoining the government school lot in Waipio Valley, in the District of Hamakua, County of Hawaii; such land, as soon as acquired, to be turned over to the control of the proper school authorities for said purposes.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 201

[S. B. No. 172]

AN ACT TO AMEND ACT 222 OF THE SESSION LAWS OF HAWAII 1927, RELATING TO THE HONOLULU SEWER AND WATER COMMISSION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2 of Act 222 of the Session Laws of Hawaii 1927, is hereby amended to read as follows:

"Section 2. It shall be the duty of said Commission to survey, study and compile records, statistics and estimates relating to the amounts of water required for current and reasonably prospective uses in said District of Honolulu, including public, domestic, industrial, agricultural and other practicable uses, and relating to water resources on the Island of Oahu which, in the judgment of the Commission, may, with reasonable regard to cost of development or acquisition and practicable utilization, be made available for such uses; and to devise and recommend to the legislature and the board of supervisors of the City and County of Honolulu

from time to time prospective ways and means by which such water may be conserved and distributed for such uses, with estimates of costs in connection therewith. For any of said purposes, all records and information in the control or within the knowledge of any department or officer of the Territory or the said city and county shall be at the disposal of said Commission."

SECTION 2. Section 5 of said Act is hereby amended to read as follows:

"Section 5. Permit for new wells. From and after the passage of this Act, it shall be unlawful for any person to sink, bore, drill or drive any new artesian well in said District of Honolulu, or to reopen any artesian well which has been unused for two years or more, except under and pursuant to the terms and conditions of a permit therefor from the Commission. Application for such permit shall be made to the Commission, in writing, signed and verified by the party intending to operate under same, setting forth the name and post office address of the applicant, a description of the location of the well proposed to be bored or reopened (which location shall thereafter be exactly marked upon the ground, if so requested by the Commission), the nature and extent of the proposed use of the water, and shall be accompanied by the specifications for the proposed work, including the casing, capping, equipping and means of control and operation of such well. The Commission may charge a fee of one hundred dollars (\$100.00) for any permit issued hereunder. All such fees shall be deposited by the Commission with the Treasurer of the City and County of Honolulu and are hereby appropriated for the use of the Commission."

SECTION 3. Section 8 of said Act is hereby amended by amending sub-section 3 thereof to read as follows:

"3. To prescribe and enforce such rules and regulations as may in its judgment be necessary or advisable in connection with any matters within the scope of its duties or powers, including (a) the prevention of waste and pollution of water, (b) the manner in which new artesian wells in said District may be bored, drilled or driven, encased and capped, (c) the manner in which artesian wells generally shall be maintained, controlled and operated to prevent waste of water from any artesian basin or area or the impairment of its potability, (d) the limitation to beneficial uses of all water, (e) in times of shortage or threatened shortage of water, or of danger to potability of the water of any artesian basin or area by overdraft on said basin, the restriction of the drawing of water in all wells supplied from said basin on a basis proportionate to the proper and beneficial uses served by them respectively, (f) and other matters having for their object

the proper conservation and beneficial use of the water resources available for said District."

SECTION 4. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 202

[S. B. No. 194]

AN ACT TO AMEND SECTION 946 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO TUBERCULOSIS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 946 of the Revised Laws of Hawaii 1925, relating to tuberculosis, is hereby amended to read as follows:

"Sec. 946. Protection of record. It shall be the duty of the Board of Health to cause all reports made in accordance with the provisions of Section 944, and also all results of examinations showing the presence of the bacilli of tuberculosis, made in accordance with the provisions of Section 945, to be recorded in a register. Such register shall remain in the care, custody and control of the Board of Health. The Board of Health may, in its discretion, disclose the contents of any such report or record to relatives or officials of social and welfare organizations in the Territory of Hawaii; provided, however, such information disclosed to such officials shall not be divulged by them so as to disclose the identity of any person to whom it relates.

"Any person who violates any provisions of this section shall, upon conviction thereof, be liable to a fine not to exceed one thousand dollars."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 203

[H. B. No. 367]

AN ACT TO AMEND SECTION 402 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO POWERS OF THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 402 of the Revised Laws of Hawaii 1925, is hereby amended by adding at the end of the first paragraph thereof a new paragraph reading as follows:

"The Board of Regents shall have power to charge, in addition to the usual maintenance fees, an entrance fee for residents of the territory not to exceed fifty dollars (\$50.00) per year, and for non-residents of the territory not to exceed one hundred dollars (\$100.00) per year. They shall have discretionary authority in cases of students upon whom it would work an undue hardship, to waive the payment of such entrance fees, provided, however, that such entrance fee shall not apply to any students taking the two year course of study at the present Normal School in case such school is amalgamated with the University."

SECTION 2. This Act shall be effective on and after July 1, 1929.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1929.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the House of Representatives on the 29th day of April, 1929.

F. D. LOWREY,

Speaker, House of Representatives.

JOSEPH ORDENSTEIN,

Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1929.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the Senate this 1st day of May, 1929.

ROBERT W. SHINGLE,

President of the Senate.

ELLEN D. SMYTHE,

Clerk of the Senate.

ACT 204

[H. B. No. 296]

AN ACT AMENDING SECTION 3406 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE AMOUNT OF LIABILITIES BANKING CORPORATIONS MAY ASSUME IN ACCEPTING DRAFTS OR BILLS OF EXCHANGE.

Be it Enacted by the Legislature of the Territory of Hawaii:

248 SECTION 1. Section 3406 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto the following:

"Provided, however, that the liabilities of such corporation, on account of acceptance of drafts, bills of exchange or other commercial paper, with respect to which the corporation shall be unsecured, shall not at any one time exceed in the aggregate fifty per centum and that such liabilities with respect to which the corporation shall be secured shall not at any one time exceed in the aggregate one hundred per centum of its surplus and the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, and provided, further, that all drafts, bills of exchange or other commercial paper drawn upon and accepted by such corporation shall not have more than six months sight to run exclusive of days of grace; and provided, further, that all such acceptances shall conform to the provisions of the Federal Reserve Act, enacted by the Congress of the United States December 23, 1913 (38 Stat. 251, Chap. 6) as amended, and as hereafter amended, and to the regulations of the Federal Reserve Board now existing or as hereafter amended."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 205

[H. B. No. 347]

AN ACT AMENDING CHAPTER 119 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO MUNICIPAL GOVERNMENT, HIGHWAYS, HONOLULU—IMPROVEMENTS, BY AMENDING SECTION 1856-A OF SAID REVISED LAWS, AS ENACTED BY ACT 98 OF THE SESSION LAWS OF HAWAII 1927, SECTION 1861 OF SAID REVISED LAWS AND SECTION 1864 OF SAID REVISED LAWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1856-A of the Revised Laws of Hawaii L/11 31/ 1925, as enacted by Act 98 of the Session Laws of Hawaii 1927, is hereby amended by adding, at the end thereof, a sentence to read as follows:

"It is provided, however, that no such improvement shall be approved by the board unless in its opinion the value of the land to be so improved is not less than seventy-five per cent. of the cost of the proposed improvement."

SECTION 2. Section 1861 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1861. Notice and collection of assessments. It shall be the duty of the treasurer of the city and county forthwith to post notice of assessment upon the land assessed, and to notify the several owners, lessees or occupants, respectively, by registered letter and request a return receipt therefor, of the several amounts assessed on the respective properties and of the date when such assessments are payable. It shall also be his duty to collect such assessments and to set aside all moneys so collected in a special fund or funds for the frontage improvement or improvement district, as the case may be."

SECTION 3. Section 1864 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1864. Instalments, payable when. In case of an election to pay any assessment in instalments, such assessment shall be payable in not less than five nor more than ten equal annual instalments of principal with interest in all cases, on the unpaid principal, payable annually at a rate which shall be one per cent. higher than the rate specified for the bonds issued to pay for the improvements for which such assessment is levied. The number of instalments and period of payments shall be as determined by the supervisors."

Amended 12/1/33
Amended 1856-8

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 206

[H. B. No. 349]

AN ACT TO REGULATE THE CATCHING AND USE OF THE FISH
KNOWN AS NEHU.

Be it Enacted by the Legislature of the Territory of Hawaii:

365 SECTION 1. All nehu caught or taken in or from any of the
waters within the jurisdiction of the Territory of Hawaii shall be
57/33 used only for bait purpose; provided, however, that citizens may
lawfully catch nehu solely for family consumption with a net not
longer than twelve feet.

SECTION 2. Any person violating any of the provisions of
this Act shall be punished by a fine of not more than two hun-
dred dollars or by imprisonment for not more than fifty days, or
by both such fine and imprisonment.

SECTION 3. One-half of any fine collected under the pro-
visions of this Act shall be paid by the court or officer collecting
the same to any person who is not a police officer, fish and game
warden, or agent of the board of agriculture and forestry, and
who assists in the arrest and conviction of the offender paying
such fine.

SECTION 4. This Act shall take effect upon its approval.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 207

[H. B. No. 354]

AN ACT AMENDING SECTIONS 2891 AND 2892 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LIENS OF MECHANICS AND MATERIALMEN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2891 of the Revised Laws of Hawaii 1925, relating to liens, is hereby amended to read as follows: *Am A 142/33*

"Sec. 2891. When allowed. Any person or association of persons furnishing labor or material to be used in the construction, repair, alteration, or addition to any building, structure, railroad or other undertaking, shall have a lien for the price agreed to be paid for such labor or material (if it shall not exceed the value thereof) upon the building, structure, railroad or other undertaking, as well as upon the interest of the owner of such building, structure, railroad or other undertaking, in the land upon which the same is situated."

SECTION 2. Section 2892 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

Am A 14
"Sec. 2892. Filing notice; duration of lien. The lien provided in Section 2891 shall not attach unless a notice thereof shall be filed in writing in the office of the clerk of the circuit court, where the property is situated, and a copy of the notice be served upon the owner of the property. The notice shall set forth the amount of the claim, the labor or material furnished, a description of the property sufficient to identify the same, and any other matter necessary to a clear understanding of the same. The lien shall continue for forty-five days, after the completion of the construction, repair, alteration of, or addition to, the building, structure, railroad, or other undertaking against which it shall have been filed, unless proceedings are commenced within said time to collect the amount due thereon by enforcing the same; provided, however, that the owner of the property may, with the concurrence of the contractor, if any, after giving written notice of such completion to all workmen, materialmen and others known by the owner to have performed labor or to have furnished material in connection with any such construction, repair, alteration, or addition, file a notice of completion in the office of the clerk of the circuit court where the property is situated, and the lien in all such cases shall continue for forty-five days after the filing of such notice, unless proceedings are commenced to enforce the same within said forty-five days."

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 208

[H. B. No. 363]

AN ACT TO AMEND CHAPTER 193 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 3484A, RELATING TO TRUST COMPANIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 193 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section to be known as Section 3484A, to read as follows:

299
5/1/29 "Sec. 3484A. Participation certificates. Subject to the provisions of Section 3484, a trust company may issue participation certificates on a trust deed or mortgage and the debt secured thereby, which debt is held by or in the name of such trust company individually or in a representative capacity, and may individually or in a representative capacity sell to or buy from any trust or fund administered by it the interests represented by such certificates at their face value, provided that such debt is a proper investment for trust funds. The amount of participation certificates issued and outstanding at any time shall not exceed the face value of the trust deed or mortgage and debt upon which the same are predicated, and any part interest in such trust deed or mortgage and debt shall at all times be and remain at least equal in lien to any other interest therein. The records of the trust company shall at all times show every interest in such trust deed or mortgage and debt, and the forms of such certificates and records shall conform to such requirements as may be prescribed by the bank examiner."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 209

[H. B. No. 376]

AN ACT RELATING TO PEARL OYSTER FISHERIES AND THE CONSERVATION AND UTILIZATION OF THE SAME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of agriculture and forestry is hereby authorized to make or to cooperate with the federal bureau of fisheries in making a survey of the pearl oyster fisheries in all the waters under the jurisdiction of the Territory of Hawaii, to determine their extent and value, and the rate of growth, spawning season and other information relating to such pearl oysters; and shall, with the approval of the governor, as soon as reasonably practicable, make and promulgate rules and regulations for the conservation and utilization of such pearl oysters, with a view to the development of the pearl oyster industry without depleting the supply of the pearl oysters. Such rules and regulations shall, when promulgated, have the effect of law. Such rules and regulations shall provide, among other things, for the issuance of permits to proper and responsible persons or concerns to collect, for their own use, pearl shells, upon condition that the permittee shall at his or its own expense provide suitable accommodations upon any boat used by him or it between Honolulu and the said fishing grounds and between the said fishing grounds and Honolulu, for the accommodation and sustenance during the period of transportation of such person or persons as shall be named by the territorial board of agriculture and forestry or the United States bureau of fisheries, for the purpose of such survey, and also for the proper sustenance during such trip or trips, and shall also provide at such fishing grounds proper shelter and sustenance at his or its own expense for the persons so named for said purpose.

The sum of twenty-five hundred dollars (\$2,500.00) is hereby appropriated for such survey out of the moneys in the treasury of the territory not otherwise appropriated.

SECTION 2. It shall be unlawful for any person, firm or corporation to take, collect, molest or destroy any kind of pearl oyster, sometimes known as mother-of-pearl shell, in any of the waters under the jurisdiction of the Territory of Hawaii, contrary to such rules and regulations when passed as aforesaid.

SECTION 3. Any person, firm or corporation violating any of the provisions of this Act or such rules and regulations, shall be subject to a fine of not more than five hundred dollars (\$500.00) or to imprisonment for not more than six (6) months, or to both such fine and imprisonment in the discretion of the court; one-

half of all moneys collected from any fine imposed under this section shall be paid to the person or persons assisting in the arrest and conviction of the offender.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 210

[S. B. No. 200]

AN ACT APPROPRIATING THE SUM OF ONE HUNDRED SIXTY-THREE AND 40/100 DOLLARS (\$163.40) FOR THE RELIEF OF THE HOME INSURANCE COMPANY OF HAWAII, LIMITED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of One Hundred Sixty-three and 40/100 Dollars (\$163.40) is hereby appropriated, out of any money in the Territorial Treasury, not otherwise appropriated, for reimbursement of the Home Insurance Company of Hawaii, Limited, for monies paid by it as damages on an automobile insured by it, said damages being caused by the negligent operation of Territorial Truck No. 51.

SECTION 2. The sum hereby appropriated shall be paid upon a warrant issued by the Auditor of the Territory, based upon a voucher approved by the High Sheriff of the Territory of Hawaii; and upon said payment, said Home Insurance Company of Hawaii, Limited, shall be required to release the Territory of Hawaii from all claims under and or in respect of said matter.

SECTION 3. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 211

[H. B. No. 263]

AN ACT TO AMEND CHAPTER 93 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO RELEASE FROM WAIMANO HOME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 93 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section thereto, to be known as Section 1180A, and to read as follows:

"Sec. 1180A. It shall be unlawful to detain any person at the Home, whether lawfully committed thereto or not, who is not a feeble minded person as defined in Section 1175, and, without prejudice to his other remedies, any person detained at the Home shall, upon application being made by a sheriff, deputy sheriff, or by a relative or next friend of such person, and notice given to the superintendent of the Home or upon application by the superintendent, be entitled to a hearing by the commissioners, and if a majority of said commissioners shall be satisfied that such person is not feeble minded as defined in Section 1175, they shall so adjudge and such decision shall be certified to the superintendent of the Home and such person shall be forthwith released from detention."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 212

[H. B. No. 340]

AN ACT TO AMEND SECTION 2106 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LICENSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2106 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2106. Certificate from sheriff. Any sheriff or deputy sheriff, or any inspector appointed by him for such purpose, shall, before any license is issued for any passenger vehicle, inspect the vehicle for which a license is requested, and if he finds the same to be in good serviceable and safe condition for safe transportation of passengers, he shall deliver to the applicant therefor, a certificate setting forth such fact, and the passenger capacity of

such vehicle. Provided, however, that nothing herein shall prevent the sheriff or deputy sheriff, or any inspector from temporarily suspending or revoking the license issued upon such certificate, when, upon any subsequent examination of such vehicle, it is found to be unserviceable or dangerous and unsafe for the transportation of passengers; provided, further, that the treasurer of the county or city and county shall be given notice of such suspension or revocation. Such officer shall also examine any applicant for a driver's license, and if he finds such applicant to be a competent driver, he shall give him a certificate to that effect. No license shall be issued to any driver or for any passenger vehicle until the receipt by the treasurer of such certificate."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 213

[H. B. No. 374]

AN ACT TO AMEND SECTIONS 2669, 2670 AND 2677 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO SPECIAL PROCEEDINGS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2669 of the Revised Laws of Hawaii 1925, relating to special proceedings, is hereby amended to read as follows:

"Section 2669. Jurisdiction, circuit courts. The several circuit courts of the territory shall, subject to appeal and exceptions to the Supreme Court in the manner now provided by law, have original jurisdiction to hear and determine the following matters, and shall determine all questions of fact involved without the intervention of a jury.

First. All claims against the territory founded upon any statute of the territory; or upon any regulation of an executive department; or upon any contract, expressed or implied, with the territory, and all claims which may be referred to any such court by either house of the legislature; provided, however, that no suit shall be maintained, nor shall any process issue against the territory, based on any contract or any act of any territorial officer which such officer is not authorized to make or do by the laws of the territory, nor upon any other cause of action than as herein set forth.

Second. All set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the territory against any person making claim against the territory under the provisions of this chapter."

SECTION 2. Section 2670 of the Revised Laws of Hawaii 1925, relating to special proceedings, is hereby amended to read as follows:

"Section 2670. Judgment against claimant when. Upon the trial of any cause in which any set-off, counterclaim, claim for damages, or other demand is set up on the part of the territory against any person making claim against the territory in any such court, the court shall hear and determine such claim or demand both for and against the territory and claimant; and if upon the whole case it finds that the claimant is indebted to the territory, it shall render judgment to that effect."

SECTION 3. Section 2677 of the Revised Laws of Hawaii 1925, relating to special proceedings, is hereby amended to read as follows:

"Section 2677. Judgment of Supreme Court final. The judgment of the Supreme Court in all matters brought before it on exceptions or appeal, under the provisions of this chapter, shall be final."

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 214

[S. B. No. 21]

AN ACT TO FIX THE SPECIAL SCHOOL FUND BUDGET FOR THE BIENNIAL PERIOD BEGINNING JANUARY 1, 1930, AND ENDING DECEMBER 31, 1931.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Special School Fund Budget referred to in Chapter 28 of the Revised Laws of Hawaii 1925, shall be as follows for the biennial period beginning January 1, 1930, and ending December 31, 1931:

SPECIAL SCHOOL FUND

	City and County of Honolulu	County of Kauai	County of Maui	County of Hawaii	Whole Territory
New Buildings, Additions and Improvements	\$ 312,500.00	\$ 43,000.00	\$ 80,000.00	\$130,750.00	\$ 566,250.00
Building Repairs and Maintenance	200,000.00	50,000.00	100,000.00	64,300.00	414,300.00
Land: New Sites and Additions, to be selected by the Superintendent of Public Instruction	162,000.00		10,000.00		172,000.00
Land: Grading and Improvements	80,000.00			62,500.00	142,500.00
Furniture and Equipment	60,000.00	7,000.00	20,000.00	25,400.00	112,400.00
Toilets	53,000.00		10,000.00	33,050.00	96,050.00
Janitors' Salaries and Supplies	220,000.00	23,000.00	30,000.00	77,100.00	350,100.00
It being provided that the janitors of the schools shall be appointed by, and the salaries and supplies for janitors shall be expended under the direction of the Department of Public Instruction.					
Transportation of Pupils			20,000.00	65,000.00	85,000.00
Special Items.....	53,700.00				53,700.00
Total Special School Fund.....	\$1,141,200.00	\$123,000.00	\$270,000.00	\$458,100.00	\$1,992,300.00

SECTION 2. This Act shall take effect from and after January 1, 1930.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 215

[S. B. No. 20]

AN ACT TO FIX THE GENERAL SCHOOL FUND BUDGET FOR THE BIENNIAL PERIOD BEGINNING JANUARY 1, 1930, AND ENDING DECEMBER 31, 1931.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The General School Fund Budget referred to in Chapter 28 of the Revised Laws of Hawaii 1925, shall be as follows for the biennial period beginning January 1, 1930, and ending December 31, 1931:

GENERAL SCHOOL FUND

General Administration.....		\$ 145,900.00
A. Personal Services	95,800.00	
Superintendent	\$13,200.00	
Other Personal Services	82,600.00	
B. Other Current Expenses.....	35,100.00	
C. Equipment	15,000.00	
Board of Examiners:.....		2,000.00
A. Personal Services	200.00	
B. Other Current Expenses.....	1,650.00	
C. Equipment	150.00	
Field Expenses: General Items (Supervising Principals and Principals)		21,700.00
B. Other Current Expenses.....	19,000.00	
C. Equipment	2,700.00	
Field Expenses: Elementary Schools.....		124,800.00
B. Other Current Expenses.....	65,000.00	
C. Equipment	59,800.00	

Field Expenses: Junior High Schools....		45,000.00
B. Other Current Expenses.....	20,000.00	
C. Equipment	25,000.00	
Field Expenses: High Schools.....		54,100.00
B. Other Current Expenses.....	19,300.00	
C. Equipment	34,800.00	
Territorial Normal and Training School:		322,770.00
A. Personal Services	275,520.00	
B. Other Current Expenses.....	25,000.00	
C. Equipment	7,250.00	
Revolving Fund for Loans to Scholars	15,000.00	
Territorial School for Deaf and Blind....		93,500.00
A. Personal Services	52,600.00	
B. Other Current Expenses.....	20,900.00	
C. Equipment	4,000.00	
E. Structures and Permanent Im- provement to Land.....	16,000.00	
Buildings	16,000.00	
Dental Hygienists and Dentists.....		152,420.00
A. Personal Services	128,820.00	
B. Other Current Expenses.....	21,100.00	
C. Equipment	2,500.00	
Nutrition Department:		53,900.00
A. Personal Services	42,600.00	
B. Other Current Expenses.....	11,000.00	
C. Equipment	300.00	
Vocational Department:		19,500.00
B. Other Current Expenses.....	8,700.00	
C. Equipment	800.00	
F. Fixed Charges	10,000.00	
Contributions to Spe- cial Vocational Fund Act 189, S. L. 1927	10,000.00	
Honolulu Vocational School:		44,500.00
A. Personal Services	2,400.00	

B. Other Current Expenses.....	2,100.00	
E. Structures and Permanent Improvement to Land.....	40,000.00	
Five Classrooms.....	12,000.00	
Shop for Boys — 3		
Shops	18,000.00	
Shop for Girls.....	10,000.00	
Lahainaluna Boarding Department:		30,500.00
C. Equipment	5,500.00	
F. Fixed Charges	25,000.00	
Contributions to the support of	25,000.00	
Revolving Fund, Purchase of School Books.....		25,000.00
<p>It being provided that the department may rent the books so purchased to pupils in the public schools, the rate of rental to be fixed on the basis of the estimated life of said books, such estimated life not to be considered as longer than three years; the rental received shall be paid into said revolving fund, and used for purchase of additional books.</p>		
TOTAL—GENERAL SCHOOL FUND.....		<u>\$1,135,590.00</u>

SECTION 2. Changes and transfers may be made by the head of the department, with the approval of the Governor, within the foregoing schedule of appropriations, for any organization unit of such department as to "Personal Services", "Other Current Expenses", or "Equipment". Provided, however, that in cases where no appropriation is made for "Equipment" for such organization unit, the head of the department may, with the approval of the Governor, create such appropriation by changes or transfers from "Personal Services" or "Other Current Expenses", or both. And, provided, further, that no changes shall be made with respect to personal services specifically named.

SECTION 3. This Act shall take effect from and after January 1, 1930.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 216

[H. B. No. 87]

AN ACT TO AUTHORIZE AND REGULATE BOXING CONTESTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Commission established. There is hereby created and established a board which shall be known as the Territorial Boxing Commission of Hawaii. The commission shall consist of three members who shall be appointed and may be removed by the Governor in the manner provided by Section 80 of the Organic Act. One of said members shall always be designated by the Governor as chairman of the commission.

SECTION 2. Term of office and expenses of commissioners. The term of office of the members of the commission shall be three years from and after the date of their respective appointments. Provided, that upon the first appointments, which shall be made within fifteen days after this Act takes effect, one of said members shall be appointed for a term ending December 31, 1930; one for a term ending December 31, 1931; and one for a term ending December 31, 1932. Any vacancy occurring on the commission from any cause shall be filled by appointment for the unexpired term of the person whom such appointee succeeds.

The members of the commission shall receive no compensation for their services but shall be reimbursed their actual travelling and other expenses incurred in the performance of their official duties.

SECTION 3. Quorum. Two members of the commission shall constitute a quorum for the exercise of the powers or authority conferred upon it, but the concurrence of at least two members shall be necessary to make any action of the commission valid.

SECTION 4. General office. The commission shall maintain in the City of Honolulu, a general office for the transaction of its business. The commission may hold meetings at any other place when the convenience of the members so requires.

SECTION 5. Seal, rules and regulations. The commission shall adopt a seal and may adopt such rules and regulations as it may consider necessary or expedient for the conduct of its business and the regulation of the matters herein committed to its charge. The commission may amend or repeal such rules and regulations from time to time. All such rules and regulations shall be published by the commission in a newspaper of general circulation and upon such publication the same shall have the force and effect of law.

Am. Q. 164/33

SECTION 6. Reports to legislature. The commission shall submit to the legislature at the beginning of each regular session thereof, a full report of its proceedings and may submit therewith such recommendations pertaining to its affairs as it may deem advisable.

SECTION 7. Secretary; salary and duties. The commission shall appoint a secretary who shall receive such annual salary, not to exceed thirty-six hundred dollars (\$3,600.00), as the commission may determine and whose duty shall be to keep a full and true record of all its proceedings, preserve at its general office all its books, documents and papers, prepare for service such notices and other papers as may be required of him by the commission and to perform such other duties as the commission may prescribe.

SECTION 8. Authority to subpoena witnesses, to administer oaths and penalties. The secretary, under the direction of the commission, shall issue subpoenas for the attendance of witnesses before the commission with the same effect as if they were issued in an action in the circuit court, and shall, under the direction of the commission, administer oaths in all matters pertaining to the duties of his office or connected with the administration of the affairs of the commission. Disobedience of such a subpoena and false swearing before the secretary or the commission shall be attended by the same consequences and be subject to the same penalties as if such disobedience or false swearing occurred in an action in the circuit court.

SECTION 9. Appointment of assistants. The commission shall appoint such clerks, inspectors and other assistants as it may deem necessary and fix their compensation.

SECTION 10. Boxing contests allowed; jurisdiction of commission, restrictions. Boxing contests or exhibitions are hereby allowed but the same shall not be conducted, held or given except in accordance with the provisions of this Act.

It is provided, however, that it shall be unlawful to conduct, hold or give any boxing contest or exhibition unless the contestants use gloves not less than five ounces in weight and unless such contest or exhibition is not held on Sunday and does not consist of more than ten rounds of a duration of more than three minutes each with an interval of one minute between each round and the succeeding round and unless each contestant is over eighteen years of age and, one hour prior to such contest or exhibition, has been examined by a licensed physician who shall certify in writing to the referee of such contest or exhibition that such contestant is physically fit to engage therein.

The commission shall have and is hereby vested with the sole direction, management, control and jurisdiction over all boxing contests or exhibitions.

SECTION 11. License to conduct boxing contests. The commission may, in its discretion, issue and for cause, after hearing, revoke a license to conduct, hold or give boxing contests or exhibitions to any person, club, corporation, organization or association. Every license shall be subject to the provisions of this Act and of such rules and regulations as the commission may prescribe.

SECTION 12. Application; license fee; bond. The application for any such license shall be in writing and shall be duly verified. Such application shall be accompanied by an annual fee, which shall be fifty dollars (\$50.00) in each county and seventy-five dollars (\$75.00) in the City and County of Honolulu.

Before any such license is granted, the applicant shall file with the commission a bond in the sum of two thousand dollars (\$2,000.00) with good and sufficient sureties conditioned for the faithful performance by such applicant of the provisions of this Act. In case of default in such performance, the bond shall be forfeited and the full amount thereof, or any less amount as the commission may determine, shall be recovered by the Attorney General in the name of the territory and the amount so recovered shall be paid into the territorial treasury.

SECTION 13. License required of participants. No physician, referee, judge, timekeeper, professional boxer, manager, trainer or second shall participate, either directly or indirectly, in any such boxing contest or exhibition, unless he shall have first procured a license from the commission. Such license may be revoked by the commission upon such cause as it may deem sufficient after due hearing.

SECTION 14. License fees of participants. All persons participating in any boxing contest or exhibition conducted, held or given under the provisions of this Act shall pay annually the following license fees:

Physician	\$ 5.00
Referee	25.00
Judge	10.00
Timekeeper	5.00
Professional boxer	5.00
Manager	25.00
Trainer	5.00
Second	5.00

164
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SECTION 15. Professional boxer defined. For the purposes of this Act a professional boxer is deemed to be one who competes for a money prize or purse, or teaches or pursues or assists in the practice of boxing as a means of obtaining a livelihood or pecuniary gain. 164 am 0 264/

SECTION 16. Tax upon receipts; reports thereon. Every person, club, corporation, organization or association holding a license to conduct, hold or give boxing contests or exhibitions shall, within seventy-two hours after the determination of every boxing contest or exhibition for which admission fees are charged and received, furnish to the commission a written report, duly verified, showing the number of tickets sold for such contest or exhibition and the amount of the gross receipts or proceeds thereof, and such other matters as the commission may prescribe, and shall also, within the said time, pay to the commission a tax of five per centum of said gross receipts or proceeds, which tax shall be paid by the commission into the territorial treasury.

SECTION 17. No tax in certain boxing contests. No tax shall be levied or collected under the provisions of this Act in respect to admission fees charged and received in connection with any boxing contest or exhibition wherein all the net receipts or proceeds, after deducting reasonable expenses, inure exclusively to the benefit of any post of the American Legion or any other duly recognized organization of veterans of any war of the United States and not to the benefit of any individual member thereof. The reasonableness of expenses incurred in connection with such boxing contest or exhibition shall be determined by the commission.

SECTION 18. Failure to report receipts. Whenever any person, club, corporation, organization or association holding a license to conduct, hold or give boxing contests or exhibitions shall fail to make a report of any boxing contest or exhibition at the time and in the manner herein prescribed, or whenever such report is unsatisfactory to the commission, the secretary of the commission may examine, or cause to be examined, the books and records of such person, club, corporation, organization or association.

SECTION 19. Failure to pay tax; forfeiture of license and bond. Upon ascertaining the amount of the tax which should be paid, the commission shall notify such person, club, corporation, organization or association of such amount and also of the amount of expenses incurred in making such examination and, in case of default in the payment of the amount of such taxes and the amount of such expenses within a period of thirty days after the giving of such notice, the license and the bond of such person,

club, corporation, organization or association shall ipso facto be forfeited and such person, club, corporation, organization or association shall thereby be disqualified from receiving any new license or any renewal of license and the full amount of the bond or any less amount as the commission may determine shall be recovered by the Attorney General in the name of the territory and the amount so recovered shall be paid into the territorial treasury.

SECTION 20. Admission tickets. All tickets of admission to any such boxing contest or exhibition shall have printed clearly upon the face thereof the purchase price of same, and no such ticket shall be sold for more than such price as printed thereon.

SECTION 21. Inspectors; duties. The commission shall appoint official representatives designated as inspectors, each of whom shall receive from the commission a card authorizing him to act as such inspector whenever the commission may designate him to so act. An inspector or the secretary of the commission shall be present at all boxing contests or exhibitions and see that the provisions of this Act and the rules and regulations are strictly observed and shall also be present at the counting up of the gross receipts or proceeds of all such boxing contests or exhibitions, and shall, as soon as practicable thereafter, mail or deliver to the commission the official box office statement received by him.

SECTION 22. Referee; duties. At each boxing contest or exhibition there shall be in attendance a duly licensed referee designated by the commission, who shall direct and control the same. Before starting such boxing contest or exhibition the referee shall ascertain from each contestant the name of his chief second, and shall hold such chief second responsible for the conduct of his assistant seconds during the progress of the contest.

The referee shall have power in his discretion to declare forfeited any prize, purse or remuneration or any part thereof, to which the contestants or one of them may be entitled, or any part of the gate receipts for which the contestants are competing, if in his judgment such contestant or contestants are not honestly competing. The referee must stop the contest when either of the contestants shows a marked superiority or is apparently out-classed. The referee shall at the termination of each boxing contest or exhibition render his decision.

SECTION 23. Judges; duties. The commission may in its discretion appoint two judges to act with the referee in rendering a decision. The judges must hand their decisions in writing to the referee who shall have the deciding vote in case the judges disagree.

SECTION 24. Physician; duties. It shall be the duty of every person, club, corporation, organization or association holding a license to conduct, hold or give boxing contests or exhibitions to have in attendance at every boxing contest or exhibition, a physician licensed to practice medicine in the Territory of Hawaii and duly licensed hereunder, whose duty it shall be to observe the physical condition of the contestants and to advise the referee with regard thereto, and one hour before each contestant enters the ring to certify in writing over his signature as to the physical condition of such contestant to engage in such boxing contest or exhibition and a report of such medical examination shall be filed with the commission not later than twenty-four hours after the termination of such boxing contest or exhibition.

SECTION 25. Sham boxing contest; forfeiture of license. Any person, club, corporation, organization or association who shall conduct, hold or give or participate in any sham or fake boxing contest or exhibition, knowing the same to be a sham or fake, shall forfeit the license issued in accordance with the provisions of this Act, and the same shall thereupon be cancelled and declared void by the commission. Such person, club, corporation, organization or association shall not thereafter be entitled to receive and shall not be given another such license.

SECTION 26. Sham boxing contest; penalty against contestant. Any contestant who shall participate in any sham or fake boxing contest or exhibition shall be penalized in the following manner:

For the first offense, he shall be restrained for a period of six months from participating in any boxing contest or exhibition conducted, held or given under the provisions of this Act, such period to commence from such date as the commission shall determine; for the second offense, he shall be totally disqualified from further participation in any boxing contest or exhibition conducted, held or given under the provisions of this Act and his license shall be cancelled and declared void by the commission.

SECTION 27. Number of rounds limited. No boxer shall be allowed to participate in more than ten rounds within twelve consecutive hours. The commission may in respect to any bout or in respect to any class of contestants limit the number of rounds of a bout within the maximum of ten rounds.

SECTION 28. Buildings to conform to legal requirements. All buildings or structures used or intended to be used for conducting, holding or giving such boxing contests or exhibitions shall in all respects conform to all governmental laws, ordinances or regulations applicable thereto.

SECTION 29. Minors under sixteen years barred from attending. No person shall be admitted to a boxing contest or exhibition under the age of sixteen years, unless accompanied by his parent or guardian.

SECTION 30. Financial interest in contestant prohibited. No person, club, corporation, organization or association holding a license to conduct, hold or give boxing contests or exhibitions, nor any member or stockholder thereof, shall have, either directly or indirectly, any financial interest in any contestant competing in any boxing contest or exhibition which he or it may conduct, hold or give.

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a. 24/33 SECTION 31. Prepayment to contestant prohibited. No contestant shall be paid for services before a boxing contest or exhibition.

SECTION 32. Limit of weight difference between contestants. No boxing contest or exhibition shall be allowed in which the difference in weight between the respective contestants shall exceed the limits which the commission shall prescribe in its rules and regulations.

SECTION 33. Amateur boxing contest defined; control and supervision of same. An amateur boxing contest or exhibition shall be and is hereby defined as one in which no contestant has received or shall receive in any form, directly or indirectly, any money prize, reward or compensation either for the expenses or training for such contest or for taking part therein except as herein expressly provided.

Amateur boxing contests or exhibitions may be placed by the commission under the control and supervision of any recognized national amateur athletic association whose standing shall have first been approved by the commission, subject, however, to such rules and regulations as may be prescribed by the commission.

SECTION 34. Persons barred as amateur contestants. No person shall appear as contestant in such amateur boxing contest or exhibition who prior thereto has received any compensation or reward in any form for displaying, exercising or giving any example of his skill in or knowledge of athletic exercises, or for rendering services of any kind to any athletic organization or to any person or persons as trainer, coach, instructor or otherwise, or who shall have been employed in any manner professionally by reason of his athletic skill or knowledge.

SECTION 35. Amateur contestants entitled to medals and trophies only. A medal or trophy may be awarded to each contestant in such amateur boxing contest or exhibition not to exceed in

value the sum of thirty-five dollars each, which such medal or trophy must have engraved thereon the name of the winner and the date of the event. No gift shall be given to or be received by such contestant for participating in such boxing contest or exhibition, except said medal or trophy.

SECTION 36. Disposition of moneys. All moneys collected and received by the commission shall be paid into the territorial treasury.

SECTION 37. Appropriation; revolving fund. There is appropriated out of the general revenues of the Territory of Hawaii the sum of ten thousand dollars (\$10,000.00) for the purpose of defraying the expenses of the commission, which said sum shall be set aside in the territorial treasury as a special fund for such purpose, and all moneys withdrawn from such fund shall be reimbursed or restored thereto so far as may be out of any moneys collected and received by the commission under the provisions of this Act.

SECTION 38. Definition of certain words. The term "contest", "boxing contest", or "boxing exhibition", as used in this Act, is synonymous with the term "pugilistic encounter" and means any voluntary fight by blows by means of fists with gloves, as herein provided, between two men for money or for a prize of any character, or for any other thing of value, or for any championship, or to see which any admission fee is directly or indirectly charged.

SECTION 39. Violations; penalty. Any person, club, corporation, organization or association who violates any of the provisions of this Act shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding five hundred dollars or imprisonment for not more than one year or by both such fine and imprisonment.

SECTION 40. Effective date. This Act shall take effect upon its approval.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 217

[H. B. No. 253]

AN ACT PROVIDING PENSIONS, NAMING BENEFICIARIES AND MAKING APPROPRIATION THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay upon warrants to be issued by the auditor of the Territory of Hawaii each month beginning with the month of July, 1929, and to continue such payments for the term of the respective lives of each of the recipients to the following named beneficiaries in the sums set opposite their respective names:

Mrs. Alice K. Hickey.....	\$45.00
Hannah Smith, widow of Paul F. Smith.....	30.00
Mrs. Helen J. Thomas.....	54.00
Sister M. Helene.....	40.00
Sister M. Antonia.....	40.00
Sister M. Bendicta.....	40.00
Sister M. Leopoldina.....	40.00
Sister M. Elizabeth.....	40.00
Sister M. Crescentia.....	40.00

Provided, however, that no beneficiary under this Act shall be permitted to draw the amount specified in the Act if said beneficiary is holding any salaried position with the Territory of Hawaii or any political subdivision thereof, and provided, further, that pensions to widows under this Act shall cease upon their remarriage.

Such payments are hereby appropriated out of moneys received in the treasury from the general revenues.

SECTION 2. This Act shall take effect from and after July 1, 1929.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 218

[S. B. No. 14]

AN ACT TO REIMBURSE DR. A. K. HANCHETT, HAWAIIAN TRUST COMPANY, LTD., EXECUTORS OF THE WILL OF A. R. ROWAT, DECEASED, MRS. EMMA U. KAUHANE, UNION TRUST COMPANY, LTD., HONOLULU FINANCE & THRIFT COMPANY, LTD., AUTO RENTAL COMPANY, LTD., PIONEER BUILDING AND LOAN ASSOCIATION OF HAWAII, ARTHUR BENAGLIA, V. J. BURGESS AND KAILUA LAND COMPANY, LTD., FOR TAXES ILLEGALLY COLLECTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated the sum of one thousand eight hundred thirty-seven and 49/100 dollars (\$1,837.49) from the general revenues of the territorial treasury to reimburse the following named persons in the following named amounts for taxes illegally collected from them:

Dr. A. K. Hanchett.....	\$133.48
Hawaiian Trust Company, Ltd., Executors of the Will of A. R. Rowat, deceased.....	84.19
Mrs. Emma U. Kauhane.....	38.64
Union Trust Company, Ltd.....	240.70
Honolulu Finance & Thrift Company, Ltd.....	25.80
Auto Rental Company, Ltd.....	94.16
Pioneer Building and Loan Association of Hawaii	582.48
Arthur Benaglia	75.00
V. J. Burgess.....	365.12
Kailua Land Company, Ltd.....	197.92

Provided, however, that any delinquent amounts due the Territory of Hawaii from any of the persons named may be deducted from the awards made to them.

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON.

Governor of the Territory of Hawaii.

ACT 219

[S. B. No. 43]

AN ACT TO AMEND SECTION 1 OF ACT 42 OF THE SESSION LAWS OF 1903 AS THAT SECTION WAS AMENDED BY ACT 89 OF THE SESSION LAWS OF 1911, BY ACT 134 OF THE SESSION LAWS OF 1913, BY ACT 228 OF THE SESSION LAWS OF 1917, BY ACT 207 OF THE SESSION LAWS OF 1919, BY ACT 12 OF THE SESSION LAWS OF 1921, BY ACT 80 OF THE SESSION LAWS OF 1923, AND BY ACT 151 OF THE SESSION LAWS OF 1925, PROVIDING FOR PUBLIC LOANS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 42 of the Session Laws of 1903 as that section was amended by Act 89 of the Session Laws of 1911, by Act 134 of the Session Laws of 1913, by Act 228 of the Session Laws of 1917, by Act 207 of the Session Laws of 1919, by Act 12 of the Session Laws of 1921, by Act 80 of the Session Laws of 1923, and by Act 151 of the Session Laws of 1925, is hereby further amended to read as follows:

“Section 1. The Treasurer of the Territory is hereby authorized and empowered, with the approval of the Governor, to issue from time to time bonds of the Territory of Hawaii, with interest coupons attached thereto, to an amount not exceeding a total outstanding bonded debt of thirty-two million seven hundred and fifty thousand dollars (\$32,750,000.00), the principal and interest to be paid in gold coin of the United States of America, or its equivalent at its present standard of weight and fineness, in the manner, upon the terms and for the purposes of this Act stated. It is provided, however, that any bonds hereafter issued under the provisions of Sections 1 to 10 inclusive, of Volume II, Revised Laws of Hawaii 1925, found on pp. 1940-1941, for the purpose of refunding authorized bonds, shall not be computed as a part of the limit of bond issue herein provided for.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 220

[S. B. No. 159]

AN ACT REPEALING ACT 20 OF THE SESSION LAWS OF 1921,
RELATING TO PREFERENCE RIGHTS TO PURCHASE GOVERN-
MENT LAND.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 20 of the Session Laws of 1921, authorizing and directing certain territorial officials to make an investigation of all claims to preference rights to purchase land in the Territory of Hawaii, is hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 221

[S. B. No. 164]

AN ACT TO AMEND SECTIONS 4420 AND 4421 OF THE REVISED
LAWS OF HAWAII 1925, RELATING TO COMMON NUISANCE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4420 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 4420. Obscene and other prohibited publications. The importing, printing, publishing, selling, offering for sale, putting into circulation, distributing, lending, exhibiting publicly, or introducing into any family, school or place of education, any book, magazine, pamphlet, newspaper, story-paper, writing, paper, picture, drawing, print, photograph, lithograph, engraving, daguerrotype, stereoscopic picture, figure, description or representation, or written or printed matter of any sort which is obscene, lewd, lascivious, filthy, indecent or disgusting, or the chief features of which consist of pictures or stories of lust and crime, or which manifestly tends to the corruption of the morals of youth, or of morals generally; or buying, procuring, receiving, or having in possession, any of the foregoing, with intent to sell, circulate, distribute, lend or exhibit the same, or to introduce the same into any family, school or place of education; or publishing any censorious or ridiculous writing, picture, sign or letter (whether the letter be signed with the real name of the author or not), which

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is calculated to injure the reputation, trade or profession of another or to hold him up to hatred, contempt, or ridicule, is a common nuisance."

SECTION 2. Section 4421 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

ic] "Sec. 4421. Search Warrant. Any district magistrate may issue a search warrant for the purpose of searching for any book, magazine, pamphlet, newspaper, story-paper, writing, paper, picture, drawing, print, photograph, lithograph, engraving, daguerrotype, stereoscopic picture, figure, description or representation, or any written or printed matter of any sort which is obscene, lewd, lascivious, filthy, indecent, or disgusting, or the chief feature of which consists of pictures or stories of lust and crime, or manifestly tending to the corruption of the morals of youth, or of morals generally; and all such things that may be found by any officer in executing the warrant, or that may otherwise come into the possession of any officer, shall be safely kept, so long as shall be necessary for the purpose of being used as evidence, in any case, and as soon as may be afterwards shall be destroyed by order of the court before whom the same shall be brought."

SECTION 3. This Act shall take effect upon its approval.

. Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 222

[S. B. No. 166]

AN ACT EXEMPTING FROM TAXATION ALL REAL AND PERSONAL PROPERTY OF HAWAIIAN PACKING COMPANY, LIMITED, ACTUALLY AND SOLELY USED IN THE PRODUCTION OF HAWAIIAN FOOD PRODUCTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All property, both real and personal, owned by Hawaiian Packing Company, Limited, and actually and solely used by it in connection with the production of Hawaiian food products, is hereby exempted from taxation for a period of three years from January 1, 1929.

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 223

[S. B. No. 174]

AN ACT TO AMEND SECTION 1380 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 192 OF THE SESSION LAWS OF 1925, RELATING TO THE DISPOSITION OF PERSONAL AND PROPERTY TAXES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That portion of Section 1380 of the Revised Laws of Hawaii 1925, as amended by Act 192 of the Session Laws of 1925, appearing as the second paragraph on page 232 of said Session Laws, is hereby amended to read as follows:

"All personal taxes paid into the territorial treasury from each county or city and county, other than the County of Kalawao, except such as are payable to or retainable by the Territory as provided by law, shall be paid within ten days after the same have been paid into the territorial treasury to the treasurer of such county or city and county within which the same were collected, and, with the exception of poll taxes, which shall be expended for current expenses, shall be expended only in making, maintaining and repairing public roads as authorized by the supervisors of the county or city and county from time to time."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 224

[S. B. No. 175]

AN ACT TO AMEND SECTION 5 OF ACT 138 OF THE SESSION LAWS OF 1913, RELATING TO THE HONOLULU WATER AND SEWER WORKS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 5 of Act 138 of the Session Laws of 1913, as amended and printed on page 1945 of the Revised Laws of Hawaii 1925, Volume II, is hereby further amended to read as follows:

"Sec. 5. Maintenance of works. It shall be the duty of the city and county to operate and maintain said works and to pay from time to time to the Territory, out of the general revenue of

the city and county on account of said water works, and out of the permanent improvement fund of said city and county on account of said sewer works, for the purposes stated in divisions two and three of section 1861, deficiencies, if any, which may occur in said special fund."

SECTION 2. Nothing in this Act shall in any way be construed to amend, nor shall amend, any of the provisions of Act 96 of the Session Laws of 1929.

SECTION 3. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 225

[S. B. No.195]

AN ACT AUTHORIZING AND DIRECTING THE CITY AND COUNTY OF HONOLULU TO REFUND TO THE HAWAIIAN TRUST COMPANY, LIMITED, RECEIVER FOR ROBERT F. CLARKE, TRUSTEE, ET AL., THE PORTION OF THE TAXES PAID ON CERTAIN LANDS FOR THE PERIOD SAID LANDS WERE OWNED BY THE CITY AND COUNTY OF HONOLULU.

WHEREAS, on or about September 17, 1926, the City and County of Honolulu entered into the ownership, possession and use of certain land with improvements thereon, at that time condemned from Robert F. Clarke, Trustee, et al., for the purpose of the extension of Bishop Street; and

WHEREAS, the Hawaiian Trust Company, Limited, had been acting for many years last past, and up to the 16th day of September, 1926, as the trustee or agent of all the parties interested in said land and improvements, and as such trustee and agent had paid the taxes on said land and improvements for the year 1926, in the sum of nineteen hundred sixty-four and 42/100 dollars (\$1964.42), being taxes on the said land in the sum of thirteen hundred ninety-five and 10/100 dollars (\$1395.10) and taxes on the said improvements in the sum of five hundred sixty-nine and 32/100 dollars (\$569.32); and

WHEREAS, on September 16, 1926, the said Hawaiian Trust Company, Limited, was duly appointed Receiver by the Circuit Court of the First Judicial Circuit, Territory of Hawaii, to have the care, custody and control of the said land and improvements,

and to receive the rents, issues and profits from said premises, including the right to receive such sums as were paid under the judgment of condemnation; and

WHEREAS, said Hawaiian Trust Company, Limited, as such trustee and agent and as such Receiver, consented that said land and improvements be condemned at an agreed value, which was done, understanding and feeling, however, that it should be re-funded that portion, namely, 105/365, of the taxes previously paid covering the period from September 17 to December 31, 1926, during which time the City and County of Honolulu owned, possessed and used said land and improvements; and

WHEREAS, it is the usual custom and practice in such cases where land is acquired during the taxation period, to pro-rate or apportion the taxes for that taxation period according to the date of such acquisition, and said custom or practice being fair and equitable is called for in this instance; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the City and County of Honolulu is hereby authorized and directed to appropriate and pay to Hawaiian Trust Company, Limited, agent, and to Robert F. Clarke, trustee, each, one-half of the sum of five hundred sixty-five and 11/100 dollars (\$565.11), being that portion of the taxes paid by said Trustee and said agent on the above mentioned land and improvements for the period during which said land and improvements were owned, possessed and used by the City and County of Honolulu.

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 226

[S. B. No. 203]

AN ACT FOR THE RELIEF OF ALBERT SHIM.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Farm Loan Board of Hawaii is hereby authorized and directed to pay, by way of advancement, out of the Farm Loan Reserve Fund, the claim of Albert Shim in the amount of Four Thousand Six Hundred Forty-six Dollars Seventy Cents (\$4,646.70), being the amount paid and expended by said Albert Shim for and upon Special Homestead Agreement No. 1299, dated May 24, 1917, and the premises therein described, which were purchased by said Albert Shim at a foreclosure sale for the foreclosure of a mortgage thereof to said Farm Loan Board, and which sale has been held invalid due to the ineligibility of said Albert Shim to take or hold such Special Homestead Agreement; and said amount is hereby appropriated for said purpose out of said Farm Loan Reserve Fund.

SECTION 2. Such payment shall not be made until the said Albert Shim shall execute and deliver to the Farm Loan Board of Hawaii a full release of any and all claims he may or might have against said Farm Loan Board for the refund of any amount paid by him to said Board for or on account of said property or with respect to such foreclosure proceedings, and a written waiver by him of any and all right he may or might have to object to the setting aside of said foreclosure sale and a resale of said property under said foreclosure proceedings.

SECTION 3. The amount so paid to said Albert Shim shall be repaid into the Farm Loan Reserve Fund out of any moneys heretofore paid by said Albert Shim to said Board on account of said property heretofore purchased at said foreclosure sale, as aforesaid, and out of the net proceeds of the resale of said property under said foreclosure proceedings, which may be received by said Farm Loan Board when said property shall be so resold, to the extent of the amount of such net proceeds so received, before applying such net proceeds to the payment of the debt on said mortgage.

SECTION 4. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 227

[S.B. No. 205]

AN ACT TO AMEND SECTION 1958 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LICENSES, AS AMENDED BY ACT 16 OF THE SESSION LAWS OF 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1958 of the Revised Laws of Hawaii 1925, as amended by Act 16 of the Session Laws of 1925, is hereby amended to read as follows:

"Sec. 1958. No license issued when. No license shall be issued by any county or city and county treasurer, or other officer or employee, for any purpose whatsoever, unless the applicant for such license (if subject to the requirements of Chapter 209 of the Revised Laws of Hawaii 1925) shall have filed with such treasurer, officer or employee a certificate from the Industrial Accident Board of the county or city and county where the principal business or occupation of the applicant is carried on, showing that the applicant has complied with the provisions of Sections 3649 and 3650 of the Revised Laws of Hawaii 1925, and unless the applicant shall also have filed with such treasurer, officer or employee, a certificate showing the payment in full of all delinquent taxes, if any shall have become delinquent, after the passage of this chapter, but not including, however, any taxes delinquent prior to January 1, 1915".

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 228

[S. B. No. 209]

AN ACT TO PROVIDE FOR THE PAYMENT OF LOST OR STOLEN INTEREST COUPONS ON TERRITORIAL BONDS.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Whenever any interest coupons on any bonds issued by the Territory of Hawaii shall be lost, destroyed or stolen, any person or persons (including firms and corporations), being the legal holder or holders, of such coupons, may secure payment of the same, notwithstanding such loss, destruction or theft, in the manner provided in Section 2 of this Act. This Act shall apply to interest coupons lost, destroyed or stolen prior to its passage.

SECTION 2. Such person or persons shall make written application, under oath, in such form as the Treasurer of the Territory shall prescribe, stating facts definitely identifying such coupons and showing the loss, destruction or theft of the same, and the ownership of the same by the person or persons applying for such payment, and shall present such further evidence as the Treasurer of the Territory may reasonably require to establish the identity of such coupons, their loss, destruction or theft, and the ownership of the same by such applicant or applicants.

The Treasurer of the Territory, if he is satisfied that such person or persons is or are the legal holder or holders of such coupons, and that the same have been lost, destroyed or stolen, shall thereupon, except as hereinafter provided, pay to such applicant or applicants the amount of such lost, destroyed or stolen coupons, such payments to be made out of the general fund of the Territory by warrant of the Auditor of the Territory.

Provided, however, that no such payment shall be made until and unless (1) at least six months shall have elapsed after the date of application for the payment of such coupons, alleged to have been lost, destroyed or stolen, during which time said coupons shall not have been presented and paid to a holder in due course thereof; and (2) the applicant or applicants for such payment shall have executed and delivered to the Treasurer of the Territory a legal and sufficient bond in the amount of twice the aggregate sum called for by said lost, destroyed or stolen coupons, in such form and with such sufficient surety or sureties as shall be satisfactory to the Treasurer of the Territory, conditioned to indemnify and save harmless the Territory of Hawaii from any loss on account of such coupons so claimed to have been lost, destroyed or stolen.

SECTION 3. In the event that there shall be two or more claimants claiming adversely, each to the other or others, to be the holder in due course of such coupons alleged to have been lost,

destroyed or stolen, the Treasurer may, in his discretion, require such claimants, if not within the Territory of Hawaii, to appoint agents within the Territory to accept service of process, or otherwise to submit to the jurisdiction of the courts of the Territory, and may bring suit on behalf of the Territory in the Circuit Court of the First Judicial Circuit of the Territory, against such claimants, by interpleader, for the determination of the claimant or claimants entitled to the payment of such coupons. Jurisdiction is hereby conferred upon said court to hear and determine, without a jury, such suits and to determine whether any of said claimants is or are entitled to such payment, and if so, which of said claimants is or are so entitled. Provided, however, that such determination shall not dispense with the conditions prescribed by Section 2 of this Act requiring six months to elapse, and the giving of a bond, before the payment of such claims. The costs of such suit shall be borne by the claimants, and the court may decree the payment of such costs by any of the unsuccessful claimants, or the apportionments thereof, as may be deemed just. The decision of such court shall be appealable to the Supreme Court of the Territory in the same manner and subject to the same conditions and incidents as appeals in equity suits.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 229

[S. B. No. 212]

AN ACT TO AMEND CHAPTER 125 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LICENSES, BY AMENDING SECTION 2016 AND BY ADDING NEW SECTIONS TO BE NUMBERED, RESPECTIVELY, SECTIONS 2016-A, 2016-B, 2016-C AND 2016-D.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 125 of the Revised Laws of Hawaii 1925, ^{L/32 c/} is hereby amended by amending Section 2016 to read as follows:

"Sec. 2016. Fee. Any person, firm or corporation, except attorneys at law licensed to practice in any of the courts of the Territory, conducting a mercantile or collection agency or commercial bureau or engaged in the business or occupation, either exclusively or partially, of collecting money due on accounts or other forms of indebtedness for a commission or a portion of the sums

so collected, shall pay an annual license fee of twenty-five dollars."

SECTION 2. Chapter 125 of the Revised Laws of Hawaii 1925, is hereby further amended by adding thereto new sections to be numbered, respectively, Sections 2016-A, 2016-B, 2016-C, and 2016-D, and to read as follows:

"Sec. 2016-A. Bond. Every person, firm or corporation, before receiving a license as a collector as defined in Section 2016, shall give a bond to the county or city and county treasurer issuing such license, in the penal sum of three thousand dollars, if the license is for the city and county of Honolulu, and in the penal sum of one thousand dollars for other counties, with good and sufficient sureties to be approved by the treasurer, conditioned:

"1. That he will faithfully, promptly and truly account for and pay over to the owners thereof all moneys collected by him, less charges;

"2. That he will satisfy all judgments and decrees which may be recovered against him in any action or proceeding to recover money collected by him and not remitted to the owner thereof as herein required."

"Sec. 2016-B. Display of license. Such license shall be plainly displayed in the office or place of business of the holder thereof.

"Sec. 2016-C. License good where. A license issued in one county or in the city and county shall entitle the holder thereof to carry on his business throughout the Territory, provided he maintains his principal office in the county or city and county in which the license is issued.

"Sec. 2016-D. Suit on bond. The treasurer, or any person claiming to have sustained damage by reason of the failure of any licensed collector to account for moneys collected by him, or to otherwise comply with the provisions of his bond, may bring suit on such bond and recover thereon any actual loss caused to him or sum due to him by reason of any such default of such collector. Whenever any such action shall be brought, it shall be lawful to join as parties defendant, the sureties on the bond of such collector, and their separate estates may be sequestered by process of attachment to answer for such judgment as may be obtained; and similarly, execution may issue against their separate estates; and the license of such collector may, in the discretion of any judge or court, be cancelled."

SECTION 3. This Act shall take effect July 1, 1929.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 230

[S. B. No. 214].

AN ACT TO AMEND CHAPTER 61 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO EMINENT DOMAIN BY ADDING A NEW SECTION THERETO TO BE NUMBERED SECTION 824-A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 61 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section thereto, to be numbered Section 824-A, and to read as follows:

"Sec. 824-A. Whenever any proceedings instituted under the provisions of this chapter are abandoned or discontinued before reaching final judgment, the defendant shall have a right of action to recover such damage as may have been sustained by him by reason of the bringing of the proceedings, including a reasonable amount to cover attorney's fees paid by him in connection therewith."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 231

[S. B. No. 215]

AN ACT APPROPRIATING THE SUM OF TEN THOUSAND DOLLARS (\$10,000.00) FOR AN ADDITION TO THE REVOLVING FUND FOR KALAUPAPA STORE AS PROVIDED FOR IN SECTION 1202 OF THE REVISED LAWS OF HAWAII 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated from the general revenue of the Territory of Hawaii the sum of ten thousand dollars (\$10,000.00) as an addition to the revolving fund for Kalau-papa Store.

SECTION 2. The said sum should be expended as provided for in Section 1202 of the Revised Laws of Hawaii 1925.

SECTION 3. This Act shall take effect upon its approval.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 232

[S. B. No. 219]

AN ACT FOR THE RELIEF OF ANTONE C. NUNES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of Three Hundred Twenty-five Dollars (\$325.00) is hereby appropriated out of the general revenues of the Territory of Hawaii to reimburse Antone C. Nunes for back pay and salary due him.

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 233

[S. B. No. 220]

AN ACT TO AMEND SECTION 88 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, BY AMENDING THE FIRST PARAGRAPH THEREOF RELATING TO CLERKS TO CERTAIN BOARDS OF ELECTION INSPECTORS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Paragraph 1 of Section 88 of the Revised Laws of Hawaii 1925, as amended by Act 112 of the Session Laws of 1925, is hereby amended to read as follows:

44 "Sec. 88. Clerk. In precincts of more than five hundred, but not more than eight hundred, registered voters, the board of election inspectors of such precincts shall be authorized and empowered to employ one clerk to assist in the work of the board. In precincts of more than eight hundred registered voters, said board shall be authorized and empowered to employ two clerks for said purpose. Every such clerk shall be a registered voter and actually a resident in the precinct in which he serves and shall be paid out of such appropriations as may be made by the Legislature for election purposes, in the case of territorial elections, and out of such appropriations as may be made by the boards of supervisors of each county or city and county, in the case of county or city and county elections, the sum of fifteen dollars for each election.

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 234

[H. B. No. 211]

AN ACT TO AMEND SECTION 1618 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO SALARIES OF COUNTY OFFICERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Such portion of Section 1618 of the Revised Laws of Hawaii 1925, as relate to the salaries of county officers, as enumerated below, are amended to read as follows:

"Chairman and executive officer of the board of supervisors of any county, except in the County of Kauai, wherever such position is established by law.....\$5,400.00"
"County Attorney of the County of Hawaii..... 4,800.00".

SECTION 2. This Act shall take effect from and after July 1, 1929.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 235

[H. B. No. 246]

AN ACT AUTHORIZING THE FISH AND GAME DIVISION OF THE BOARD OF AGRICULTURE AND FORESTRY TO MAKE INSPECTIONS OF FISHING BOATS AND MARKETS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The division of fish and game of the board of agriculture and forestry, or its duly appointed agents, shall have the right to board any fishing boat, or enter any place of business where fish are sold, stored, cooked, canned or cured, for purposes of investigation and inspection, and to inspect any and all books and records containing account of fish caught, bought or sold.

SECTION 2. Any person, firm, or corporation who or which fails to permit an inspection as provided in this Act, or who or which refuses to produce any book or record containing any record of fish caught, bought or sold, and any person who shall interfere with any officer or agent of the division in the performance of his duty as authorized in this Act, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be subject to a fine of not less than twenty-five dollars nor more than two hundred dollars, or to imprisonment for a term of not less than five nor more than fifty days, or to both such fine and imprisonment.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 236

[H. B. No. 353]

AN ACT TO PROVIDE REVENUE FOR FIRE PROTECTION BY MEANS OF FIRE BOATS FOR HONOLULU HARBOR IN THE CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to set aside and appropriate for the year ending December 31, 1929, the sum of two thousand dollars (\$2,000.00), and annually thereafter the sum of three thousand dollars (\$3,000.00) for the payment of a subsidy for the use of a fire boat or fire boats in the harbor of Honolulu, City and County of Honolulu, said moneys to be appropriated out of the general fund; provided, however, that the payments herein provided shall be made only upon condition that the Territory of Hawaii makes an appropriation of like amount for the same purpose to be expended by the board of harbor commissioners, and provided that said subsidy shall be paid to the person or corporation engaged by the board of harbor commissioners to furnish said fire boat protection.

SECTION 2. The auditor of the City and County of Honolulu is hereby authorized and directed to draw warrants upon the city and county treasurer on the first of each month for the sum of two hundred and fifty dollars (\$250.00) in favor of the person or corporation furnishing said fire boats.

SECTION 3. Said board of supervisors is hereby authorized and directed to include the said sum in the annual budget of the city and county.

SECTION 4. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 237

[H. B. No. 4]

AN ACT TO MAKE MORE UNIFORM TAXES AND TO SIMPLIFY TAX PROCEDURE AND APPEALS BY AMENDING CHAPTER 102 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO PERSONAL AND PROPERTY TAXES, BY ADDING THERETO NEW SECTIONS TO BE KNOWN AS SECTIONS 1350-A TO 1350-P, INCLUSIVE, AMENDING SECTIONS 1285, 1334, 1340, 1349, 1350, 1351, 1360, 1361, 1362, AND 1364, AS AMENDED, AND BY REPEALING SECTIONS 1341, 1347, 1352, 1353, 1354, 1355, 1356, 1357 AND 1363.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1285 of Chapter 102 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1285. Uniformity of assessment and taxes. All assessments and taxes shall be uniform throughout the Territory upon the same class of property."

SECTION 2. Section 1334 of Chapter 102 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1334. Enterprise for profit; return. If any of the property by this chapter directed to be returned shall consist of real and personal property or several classes or kinds or parcels of real or personal property, respectively, which are combined and made the basis of an enterprise for profit, the person making the return shall give a detailed description of such property and state the aggregate value thereof, taking into consideration the net profits made by the same, also the gross receipts and actual running expenses, and where it is a company, being a corporation whose stock is quoted in the market, the market price thereof, as well as all other facts and considerations which reasonably and fairly bear upon such valuation.

"He shall state what, if any, the net profits as well as the gross proceeds and actual running expenses of such enterprise have been during the twelve months next preceding; and if known, what sale or sales of stock or other interest in such enterprise have taken place during the twelve months next preceding, giving the name of the person selling, the person buying, the number of shares or proportion of interest sold upon each sale; and when known, the purchase price thereof.

"The provisions of Section 1340, Revised Laws of Hawaii 1925, as amended herein, shall apply with like force and effect as to the failure and/or omission to return property required to be returned under the provisions of this section."

1/32 P. 122

SECTION 3. Section 1340 of Chapter 102 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1340. Unreturned property; penalty. If any person shall refuse or neglect to make such return, or shall decline to take oath to the accuracy thereof, or shall omit any property from a return, the assessor shall make such assessment according to the best information within his reach and shall add to the assessment or tax list for the year or years when omitted such omitted property; notice thereof shall be given the owner, if known, within ten days after such assessment or addition, by sending the same by registered mail, return receipt requested, postage prepaid, addressed to him at his last known place of residence. Any owner desiring a review of such assessment or such addition may appeal to the divisional board of equalization of the division in which the property is located, by filing a written application and at the same time depositing costs in the amount provided by Section 1351 at any time within ten days after the receipt of such notice. Such application shall be filed with the assessor who made the assessment, and shall contain the taxpayer's valuation of the property in question and the amount of the reduction requested. Such divisional board, if it has not completed its hearings on appeals for that year, shall proceed to hear such appeal as soon as possible, and costs shall be taxed as provided in Section 1358, but if such appeal is filed after such divisional board has completed its hearings on appeals for that year, then such appeal shall be taken directly to the Territorial Board of Equalization. The taxpayer or assessor may appeal from the decision of such divisional board to the Territorial Board of Equalization by filing a written notice of appeal with the Clerk of such Divisional Board within ten days after receiving written notice of such decision; and in the case of a taxpayer, by depositing costs of such appeal, which shall be in the amount provided by Section 1351, and shall be taxed as provided by Act 1358. The Territorial Board of Equalization shall proceed to hear all such appeals as soon as possible. The taxpayer or assessor may appeal from the decision of such Territorial Board to the Supreme Court by filing written notice of appeal with the Clerk of such Territorial Board within ten days after receiving written notice of such decision and in the case of a taxpayer, by depositing costs of such appeal, which shall be in the amount provided by Section 1351, and shall be taxed as provided by Section 1358. The Supreme Court shall proceed to hear and determine such appeal in the same manner as is provided for the hearing of any appeal from the Territorial Board of Equalization as provided in this Chapter.

"A penalty of five per cent (5%) shall be added by the Assessor to the amount of any assessment made by him pursuant to

the provisions of this section, which penalty shall be and become a part of such assessment so made."

SECTION 4. Section 1349 of Chapter 102 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1349. Tax list open to public. It shall be the duty of each assessor or his deputy to attend on all days except Saturdays, Sundays and holidays, between the hours of 8:00 o'clock a. m. and 4:00 o'clock p. m., and on Saturday between 8:00 o'clock a. m. and 12 o'clock noon, from April 10 to April 30, both inclusive, of each year, at some convenient place or places in his division or district, with the assessment or tax list, to enable all persons to inspect the same.

Written or printed notice of such places shall be given by advertisement once a week for three successive weeks prior to April 10 in some newspaper of general circulation, or by posting a notice in at least three conspicuous places in such district of the times and places at which such tax list shall be open for inspection by any person either with reference to his own property or with reference to the property of any other person or entity or with reference to both.

SECTION 5. Section 1350 of Chapter 102 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1350. Appeal from assessment. How made. Any person who may deem himself aggrieved by any change made by the assessor in the valuation of the property as returned or in the amount or character thereof whereby the amount payable by such person is increased beyond the amount which would be payable by him according to such return, or whose claim for exemption shall not have been allowed, may appeal from such assessment on lodging with the assessor or deputy assessor on or before May 1st a notice thereof in writing, stating the grounds of his objection to the assessment or to any part thereof. There shall be no costs on such appeal.

The several assessors or deputy assessors are hereby directed to prepare notices of appeal as stated above. In all cases where the amount of valuation for taxation in dispute (including specifically the amount of claimed exemption disallowed, if any) equals or exceeds \$50,000.00, the appeal may be taken either to the Divisional Board of the division in which the assessment appealed from was made or to the Territorial Board of Equalization as the taxpayer elects. In all other cases the appeal shall be taken to the Divisional Board of the division in which the assessment appealed from was made, unless the assessment appealed from was directed to be made by such Divisional Board, in which case

the appeal may be taken directly to the Territorial Board of Equalization. If an appeal be taken to the wrong board it shall not be dismissed but shall be transferred to the board properly having jurisdiction and be heard by such board.

Such appeal to the Divisional Board of Equalization and an appeal to the Territorial Board of Equalization and an appeal to the Supreme Court shall all be considered an appeal for the purpose of fixing taxation rates and determining penalties as provided for in this chapter, and for the purpose of determining penalties, the amount in dispute shall, in the case of an appeal to the Divisional Board of Equalization or to the Territorial Board of Equalization or to the Supreme Court, be the difference between the value claimed by the taxpayer in the appeal and the value claimed by the assessor."

SECTION 6. Chapter 102 of the Revised Laws of Hawaii 1925, is hereby amended by adding sixteen new sections to be known as Sections 1350-A to 1350-P, inclusive, and to read as follows:

"Section 1350-A. Divisional boards of equalization. There shall be a divisional board of equalization for each taxation division of the Territory of Hawaii. Each board shall consist of three members who shall be appointed and removable by the Governor as provided in Section 80 of the Organic Act. The Governor shall designate a member of each board to act as chairman thereof. The term of office of each member shall be three years, commencing January 1st, provided, however, that of the first members to be appointed hereunder one shall be appointed to each board for a term expiring December 31, 1930, one for a term expiring December 31, 1931, and one for a term expiring December 31, 1932. Each member shall receive and be paid out of the treasury compensation for his services at the rate of ten dollars (\$10.00) per day for each day's actual attendance, and his actual traveling expenses. No officer or employee of the Territory or any municipal subdivision thereof shall be eligible for appointment to such board or boards.

Section 1350-B. Duties, powers and meetings. It shall be the duty of the divisional boards to equalize assessments within their respective taxation divisions so that all property subject to tax therein shall be valued, assessed and taxed on the same basis of valuation as is all other property of the same kind or class similarly situated in the Territory of Hawaii and so that all properties subject to tax shall be assessed as nearly as may be according to their true relative values; provided, however, that nothing in this section shall be considered as changing the method of assessing enterprises for profit as provided in Section 1320.

Each board shall examine the basic scale or scales of valuation proposed or used by the assessor or deputy assessors for the division in which such board is acting and the use thereof in specific cases. Each board shall hold a public meeting at some central location in its taxation division, to be convened on April 11th of each year and continued in daily session (Sundays and legal holidays excepted) until May 1st in order to afford taxpayers an opportunity to be heard in regard to assessments within such division. Such boards shall hear and determine appeals from assessments as in this chapter provided. Such boards shall have power to allow or disallow exemptions as provided by law whether or not the same have been previously allowed or disallowed by the assessor or his deputies; to increase or lower any assessment; to direct the assessor to assess any taxable property that has escaped assessment; and to add to the value, amount, description, number or quantity of property when a false or incomplete list has been rendered. Should any application for reduction of assessment or allowance of exemption or any proposal by the board the effect of which would be to increase the total assessment of any taxpayer for the current taxation year, be pending and undisposed of by May 1st, the board shall continue in session from day to day until all such matters shall have been disposed of. Each board may meet at such other times during the year as it shall deem advisable to carry out its work.

"Section 1350-C. Examination of person assessed. Application for reduction. Before any divisional board shall make any reduction or allow any exemption applied for, it shall first examine, on oath, the person or the agent making the application touching the value of the property involved or the reason for exemption claimed. No reduction shall be made or exemption allowed unless the application therefor shall have been filed in writing with the assessor or deputy assessor for the taxation division in which the property in question is situated nor unless the person or the agent making the application shall attend and answer all questions pertinent to the inquiry.

"Section 1350-D. Divisional and territorial boards must give notice before revising assessment lists or raising assessments. After the tax list is opened to the public in any year as provided in Section 1349, no raise in assessment or revision of assessment lists or disallowance of any exemption previously allowed by the assessor shall be made or directed, except on an appeal or application for review, unless the clerk shall notify the persons interested, of the day fixed when action may be taken, by letter deposited in the post office, postpaid, registered, return receipt requested, and addressed to the person interested, at least ten

days before action taken, or by personal service at least five days before action taken, and no such action shall be taken for the then current taxation year unless the taxpayer affected shall be given notice of the hearing to be had prior to May 1st of such current taxation year; provided, however, that the assessor or divisional or territorial board may at any time assess and add to the tax list, omitted or unreturned property, pursuant and subject to the provisions of Section 1340 of the Revised Laws of Hawaii 1925, as amended.

"Section 1350-E. Assessor or deputy to attend meetings. During the session of a divisional board the assessor of the division or one of his deputies designated by him shall attend, and may make statements on matters before the board. If he shall make any such statement the taxpayer or his representative shall have the right to cross-examine him thereon.

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"Section 1350-F. Board may subpoena witnesses and take evidence. The divisional boards shall have the power to subpoena witnesses, including the tax assessor and his deputies, administer oaths, examine books and records and hear and take such evidence in relation to the subject pending as in its discretion it may deem proper. Assessments for the same year upon other similar property situate in the Territory of Hawaii shall be receivable in evidence upon the hearing. The Circuit Courts shall have the power upon request of such boards to enforce by proper proceedings the attendance of witnesses and the giving of testimony by them, and the production of books, records and papers at the hearings of the boards.

"Section 1350-G. Clerks to keep records. Each divisional board shall designate one of its members as its clerk, who shall record all orders of the board and immediately send a copy thereof to the assessor or the deputy in charge of the assessment list, who shall forthwith correct the assessment list to conform thereto. The tax assessor shall, when requested, assign one of his office force to act as an assistant to the clerk.

"Section 1350-H. Proceedings informal. The proceedings of each divisional board shall be as summary and simple as reasonably may be and all decisions of such board shall be publicly made and written notice thereof given to the taxpayer interested.

"Section 1350-I. Appeals from Divisional Board to Territorial Board of Equalization. Stay. An appeal shall lie to the Territorial Board of Equalization from the decision of a Divisional Board of Equalization by either the taxpayer or the assessor by filing written notice of appeal with the Divisional Board of Equalization at any time within ten days after receiving written notice

of the decision of such divisional board, provided, however, that an appeal solely upon points of law from a decision of a Divisional Board of Equalization shall be so stated in the notice of appeal, and such appeal solely upon points of law upon like terms as to filing notice of appeal may be taken either to the Territorial Board of Equalization or directly to the Supreme Court of the Territory of Hawaii at the option of the party appealing. The perfection of any such appeal shall stay the order appealed from pending the disposition of the appeal. There shall be no costs on appeal to the Territorial Board of Equalization but costs shall be deposited by a taxpayer on appeal to the Supreme Court.

"Section 1350-J. Territorial Board of Equalization. There shall be a Territorial Board of Equalization for the Territory of Hawaii, which shall consist of three members who shall be appointed and removable by the Governor as provided in Section 80 of the Organic Act. The Governor shall designate a member of such board to act as chairman thereof. The term of office of each member shall be three years, commencing January 1st, provided, however, that of the first members to be appointed hereunder one shall be appointed for a term expiring December 31, 1930, one for a term expiring December 31, 1931, and one for a term expiring December 31, 1932. Each member shall receive and be paid out of the treasury compensation for his services at the rate of Twenty Dollars (\$20.00) per day for each day's actual attendance and such reasonable traveling and other expenses as may be incurred in the discharge of his duties. No officer or employee of the Territory or any municipal subdivision thereof shall be eligible for appointment to such board.

27
6-11-30

"Section 1350-K. Duties, powers and meetings. It shall be the duty of the Territorial Board of Equalization to equalize assessments of property throughout the Territory so that all property subject to tax therein shall be valued, assessed and taxed on the same basis of valuation as is all other property of the same kind or class similarly situated in the Territory of Hawaii and so that all properties subject to tax shall be assessed as nearly as may be according to their true relative values; provided, however, that nothing in this section shall be considered as changing the method of assessing enterprises for profit as provided in Section 1320. The board shall, from time to time, prescribe rules and regulations for the determination of equalized assessment valuations by the assessors, deputy assessors and divisional boards, and shall supervise the application of such rules and regulations. The board shall have power to allow or disallow exemptions as provided by law whether by the assessor or his deputies, or any divisional board, to increase or lower any assessment, to direct

the assessor to assess any taxable property that has escaped assessment, and to add to the value, amount, description, number or quantity of property when a false or incomplete assessment list has been rendered. Action by the territorial board shall supersede action by a divisional board when in conflict or inconsistent therewith.

The board shall hear and determine appeals as in this chapter provided.

The board may meet at such times during the year and at such places in the Territory of Hawaii from time to time as shall be deemed advisable to carry out its work.

“Section 1350-L. Sessions for hearing appeals; Notice. The Territorial Board of Equalization shall commence to hold meetings to hear and determine appeals at such time not later than the month of June and at such place in the Territory of Hawaii as is determined by the chairman, and the board may adjourn from time to time and may hold hearings at such other time or times and at such place or places within the Territory as may be determined by the chairman from time to time. Notice shall be given to all persons in interest of the time and place set for hearings.

Ref. 2.
“Section 1350-M. Certificate of appeal. Upon the perfection of an appeal to the Territorial Board of Equalization the chairman of the Divisional Board of Equalization or the assessor, from which such appeal is taken, as the case may be, shall immediately send up to the Territorial Equalization Board a certificate in which there shall be set forth:

“1. The valuation of the property in dispute claimed by the assessor;

“2. The valuation claimed by the taxpayer;

“3. The valuation, if any, placed thereon by the Divisional Board of Equalization;

“4. The points of law involved in all cases where the appeal is solely upon points of law.

“Such certificate shall be accompanied by the taxpayer's return, the assessment and the decision or action, if any, of the divisional board.

“Section 1350-N. Proceedings informal. The proceedings of the Territorial Board of Equalization hearing appeals shall be informal and records of the proceedings shall be made and kept and the decisions of such board shall be in writing and shall be publicly made and written notice thereof shall be given to the taxpayer interested. The hearing before such board shall be a hearing de novo, and each party shall have the right to introduce

or the Territorial Board may of its own motion require the taking of such evidence in relation to the subject pending as in the board's discretion it may deem proper. Assessments for the same year upon other similar property situate in the Territory of Hawaii shall be receivable in evidence upon the hearing.

"The board shall appoint a reporter who shall receive a fee fixed by the board.

"Section 1350-O. Clerks to keep records. Offices. The Territorial Board shall designate one of its members as its clerk, who shall record all orders of the board and immediately send a copy thereof to all interested parties and to the assessor or the deputy in charge of the assessment list, who shall forthwith correct the assessment list to conform thereto. The tax assessors of the various circuits when requested, shall assign one from their office force to act as an assistant to the clerk of the Territorial Board. The offices of the board shall be at such place or places within the Territory of Hawaii as shall be prescribed by the chairman.

"Section 1350-P. Powers when hearing appeals. The Territorial Board of Equalization when hearing appeals shall, in respect to the summoning and examination of witnesses and the production of papers and documents and the punishment for contempts and carrying on the business of the board, have all the powers and authority of a circuit judge at chambers."

SECTION 7. Section 1351 of Chapter 102 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1351. Costs. The costs to be deposited by the taxpayer on appeal to the Supreme Court shall be 3% of the first \$100.00, but not less than \$.25; 2% of the next \$900.00; 1% of the next \$9,000.00; $\frac{1}{2}\%$ of the next \$10,000.00; $\frac{1}{4}\%$ of the amount above \$20,000.00 of the amount of valuation in dispute."

SECTION 8. Section 1360 of Chapter 102 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1360. Appeals to Supreme Court. Stay. If any Territorial Board of Equalization shall fix an assessment at a greater amount than as claimed by the taxpayer, or shall direct the assessor to assess property that has escaped assessment or to add to the value, amount, description, number or quantity of property returned, the taxpayer affected thereby may at any time within ten days after receiving written notice of the decision of such Territorial Board appeal to the Supreme Court from such decision by filing a written notice of appeal with such Territorial Board and by depositing therewith the costs of such appeal. And

should any Territorial Board of Equalization lower any assessment made by an assessor or his deputy or allow an exemption disallowed by any assessor or his deputy such assessor or deputy may within ten days after receiving notice of the decision of such board appeal to the Supreme Court from such decision by filing a written notice of appeal with such Territorial Board. The costs to be paid by the taxpayer shall be in the amount provided by Section 1351 and shall be taxed as provided by Section 1358. The filing of an appeal and the payment of costs by a taxpayer or the filing of an appeal by the assessor, shall stay the order appealed from pending the disposition of the appeal."

SECTION 9. Section 1361 of Chapter 102 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1361. Certificate of appeal. Upon any appeal being perfected to the Supreme Court the chairman of the Territorial Board of Equalization shall immediately send up to the Supreme Court a certificate in which there shall be set forth:

"1. The valuation of the property in dispute, claimed by the assessor;

"2. The valuation of the same, claimed by the taxpayer;

"3. The valuation, if any, placed thereon by the divisional board of equalization;

"4. The valuation placed thereon by the Territorial Board of Equalization;

"5. The points of law involved in all cases where the appeal is solely on points of law.

"Such certificate shall be accompanied by the taxpayer's return, the assessment, the decision, if any, of the divisional board in such cause, a transcript or statement of evidence, and the decision of the Territorial Board."

SECTION 10. Section 1362 of Chapter 102 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1362. Evidence. Upon any appeal to the Supreme Court under the provisions of this chapter, the court may permit any party to introduce or the court may of its own motion require the taking of additional evidence material to the matter in dispute."

SECTION 11. Section 1364 of Chapter 102 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1364. Appeals by persons under contractual relations. Whenever any person is under a contractual obligation to pay a tax assessed against another, such person shall have the same rights

of application for appeal to the divisional board of equalization and the Territorial Board of Equalization and appeal to the Supreme Court, in his own name, as if the tax were assessed against him, provided that the person against whom such tax is assessed shall also have a right to appear and to be heard on any such application or appeal."

SECTION 12. Sections 1341, 1347, 1352, 1353, 1354, 1355, 1356, 1357, and 1363 of Chapter 102 of the Revised Laws of Hawaii 1925, as amended, are hereby repealed.

SECTION 13. The Tax Appraisal Board for the Territory of Hawaii, as created under another Act of this Legislature, is hereby authorized and directed to assist and cooperate with the divisional and territorial equalization boards, created under the provisions of this Act, in so far as it may be compatible with the purposes to be furthered by it. It shall be the duty of said divisional and territorial equalization boards and said Tax Appraisal Board for the Territory of Hawaii to so coordinate and correlate their respective functions as to fully effectuate the purposes of the Acts creating them.

SECTION 14. This Act shall take effect January 1, 1930, provided, however, that any tax appeals theretofore taken and then pending shall be heard and disposed of under the law as it existed prior to the effective date of this Act.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 238

[H. B. No. 172]

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF CERTAIN CLAIMS AGAINST THE TERRITORY OF HAWAII INCURRED PRIOR TO JUNE 30, 1927.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums, amounting to one thousand two hundred ninety-seven and 24/100 dollars (\$1,297.24), are hereby appropriated to be paid out of any moneys received in the treasury of the Territory of Hawaii from the general revenues for the settlement of the following claims against the Territory:

JUDICIARY

West Publishing Company.....	\$ 3.00	
Mrs. Irene K. Philpotts	5.00	\$ 8.00

NATIONAL GUARD OF HAWAII

J. A. Robinson	34.65	
Bureau of Water Revenue, City and County of Honolulu	26.50	61.15

DEPARTMENT OF PUBLIC WORKS

American Sanitary Laundry, Ltd.....	32.00	32.00
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BUREAU OF TAXES—FIRST DIVISION

The Waterhouse Co., Ltd.....	318.10	318.10
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BOARD OF HEALTH

E. S. Goodhue	2.00	
Inter-Island Steam Navigation Co. Ltd.....	303.79	
Mads L. Madsen.....	9.00	314.79

ATTORNEY GENERAL

Moses Office Equipment Co. Ltd.....	116.20	116.20
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BOARD OF HARBOR COMMISSIONERS

Pioneer Mill Company.....	6.00	
Captain Chas. Fredholm.....	41.00	47.00

BOARD OF INDUSTRIAL SCHOOLS

BOYS' INDUSTRIAL SCHOOL

The Waterhouse Co., Ltd.....	179.00	179.00
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BOARD OF COMMISSIONERS OF

PUBLIC ARCHIVES

Honolulu Star-Bulletin, Ltd.....	221.00	221.00
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\$1,297.24

SECTION 2. The sums hereby appropriated shall become immediately available and shall be paid to the said parties upon their filing with the auditor of the territory, approved vouchers covering the respective amounts.

SECTION 3. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 239

[H. B. No. 317]

AN ACT TO AMEND SECTION 2132 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACTS 137 AND 272 OF THE SESSION LAWS OF 1925, AND AS FURTHER AMENDED BY ACT 200 OF THE SESSION LAWS OF 1927, RELATING TO SALARIES AND EXPENSES OF THE CIRCUIT COURTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

Amended 8/2/33

SECTION 1. Section 2132 of the Revised Laws of Hawaii 1925, as amended by Acts 137 and 272 of the Session Laws of 1925, and as further amended by Act 200 of the Session Laws of 1927, is hereby amended by adding under the heading "First Circuit Court", two new items to read:

37

	“Per month	Per annum
Assistant and archives clerk.....	\$250.00	\$3,000.00
Purchase of law books.....		500.00”
and under the same heading, amend the items reading		
“First assistant chief clerk.....	225.00	2,700.00”
to read		
“First assistant chief clerk.....	250.00	3,000.00” ;
“Second assistant chief clerk and stenographer	225.00	2,700.00”
to read		
“Second assistant chief clerk and stenographer	250.00	3,000.00” ;
“Third assistant chief clerk.....	175.00	2,100.00”
to read		
“Third assistant chief clerk.....	200.00	2,400.00” ;
“Assistant cashier and bookkeeper.....	150.00	1,800.00”
to read		
“Assistant cashier and bookkeeper.....	175.00	2,100.00” ;
“Eight (8) court room clerks and stenographers (to be assigned to judges of the first circuit and to any judge of other circuits called to the first circuit as occasion may require) each	225.00	21,600.00”
to read		

"Eight (8) court room clerks and stenographers (to be assigned to judges of the first circuit and to any judge of other circuits called to the first circuit as occasion may require) each			250.00	24,000.00";
"Four (4) shorthand reporters (one for each division) each.....			325.00	15,600.00"
to read				
"Four (4) shorthand reporters (one for each division) each.....			350.00	16,800.00";
"Portuguese interpreter			25.00	300.00
to read				
"Portuguese interpreter			50.00	600.00";
"Other interpreters (to be paid by order of court)				1,000.00"
to read				
"Other interpreters (to be paid by order of court)				2,500.00";
"Circuit Court expenses, jury fees, etc.				32,000.00"
to read				
"Circuit Court expenses, jury fees, etc.				40,000.00";
and by adding under the heading "Division of Domestic Relations"				
the following new items:				
			"Per month	Per annum
Third assistant matron Shelter Home			\$100.00	\$1,200.00
One (1) day watchman, who shall also act as janitor and general utility man			150.00	1,800.00
Remodeling and repairing Shelter Home, King Street				10,000.00
and under the same heading by changing the item				
"Three (3) truant officers each.....			150.00	5,400.00"
to read				
"Four (4) truant officers each.....			150.00	7,200.00"
and by changing the items				
"Upkeep automobile, truant officer.....			75.00	900.00"
and				
"Upkeep automobile, probation officers			125.00	1,500.00"
to read				
"Traveling expenses, automobile, truant officers, four (4) at \$50.00....			200.00	2,400.00
Traveling expenses, automobile, probation officers, five (5) at \$50.00			250.00	3,000.00"

and under the same heading, by changing the item "10,000.00" opposite the item "Care of dependent children" to read "18,000.00".

Medical examination, dependent and delinquent children 3,000.00".

Amend the item under the heading "Second Circuit Court" reading

"Deputy Clerk 165.00 1,980.00"

to read

"Deputy Clerk 185.00 2,200.00".

SECTION 2. The amounts directed to be appropriated for court expenses by Section 2132, Revised Laws of Hawaii 1925, as heretofore and herein amended shall be appropriated by the respective boards of supervisors annually at the beginning of the fiscal year for the respective county or city and county and such appropriations shall be available for use at any time during said fiscal year until exhausted; provided, however, that the appropriations available to said respective circuit courts for the balance of the year 1929 shall be one-half of the annual appropriations directed to be made under the statutes existing prior to this Act plus one-half the annual increases or additions herein provided for which shall be appropriated and shall be available for use during the remainder of the year 1929.

SECTION 3. This Act shall take effect and be in force from and after July 1, 1929.

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 240

[H. B. No. 75]

AN ACT FOR THE RELIEF OF EUGENE K. ALLEN.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to make an appropriation in the sum of one hundred thirty-seven and 50/100 dollars (\$137.50) from the general fund of said city and county, and is authorized and directed to pay the said sum of one hundred thirty-seven and 50/100 dollars (\$137.50) to Eugene K. Allen, for salary due him, in lieu of statutory vacation due him in the years 1927 and 1928, as chief probation officer of the Court of Domestic Relations, Circuit Court, First Judicial Circuit, Territory of Hawaii.

Upon the making of such appropriation the auditor of the City and County of Honolulu is hereby authorized and directed to draw his warrant upon the treasurer of the City and County of Honolulu for the sum of one hundred thirty-seven and 50/100 dollars (\$137.50) in favor of the said Eugene K. Allen.

SECTION 2. Upon said payment, the said Eugene K. Allen shall be required to release the City and County of Honolulu from all claims in respect to his vacation pay mentioned in this Act.

SECTION 3. This Act shall take effect upon the date of its approval.

Approved this 2nd day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 241

[H. B. No. 115]

AN ACT FOR THE RELIEF OF EMILY HARPER.

WHEREAS, Emily Harper was from July 1st, 1919, until May 15th, 1928, the matron in charge and an employee at the Detention Home, in Honolulu, and at the last mentioned date was, by the Judge of the Court of Domestic Relations, First Judicial Circuit, Territory of Hawaii, removed from said office and employment, no cause therefor, at any time, being assigned; and

WHEREAS, the said Emily Harper was, and is, entitled to pay in lieu of the one-month vacation allowed to her by law and she, said Emily Harper, was not granted, nor did she take, the said vacation; and

WHEREAS, the salary of said Emily Harper was at the rate of one hundred sixty dollars a month, plus allowances, and the same has not been paid to her in lieu of the said vacation to which she was and is entitled, and the same is justly due and owing to her ;

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the City and County of Honolulu is hereby authorized and empowered and directed to pay out of the general fund of the said City and County, to Emily Harper, the sum of one hundred sixty dollars, the same being due and payable to her in lieu of the vacation she, as matron of the Detention Home, Honolulu, is entitled to under the laws of the Territory.

SECTION 2. The said Emily Harper shall, on the payment to her of the said sum of one hundred sixty dollars, give receipt therefor in full discharge of any and all claim in respect to the matter set out in Section 1 of this Act.

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 242

[S. B. No. 8]

AN ACT AUTHORIZING THE COUNTY OF HAWAII TO ISSUE BONDS FOR CERTAIN PERMANENT PUBLIC IMPROVEMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The County of Hawaii is hereby authorized and empowered to issue, pursuant to and in accordance with Act 272, Session Laws of 1927, bonds in the sum of eight hundred thousand dollars (\$800,000.00) as follows: Bonds in the sum of four hundred thousand dollars (\$400,000.00) in the years 1929 and/or 1930, and bonds in the sum of four hundred thousand dollars (\$400,000.00) in the year 1931; said bonds to be serial bonds maturing in substantially equal annual instalments, the first instalment to mature in five years from the date of issue of such series, and the last instalment not later than thirty years from such date of issue. The principal and interest of such bonds shall be paid, when due, out of the Permanent Improvement Fund of the County of Hawaii.

SECTION 2. The moneys realized from the bond issues of the years 1929 and/or 1930 shall be expended for the following specific purposes in said County of Hawaii:

CONSTRUCTION OF ASPHALT MACADAM ROADS:

- | | |
|---|--------------|
| 1. Village of Waiohinu towards Kahuku, Kau..... | \$ 40,000.00 |
| 2. Papa towards Opihali, South Kona..... | 50,000.00 |
| 3. Ahualoa, Hamakua, towards Waimea, South Kohala | 60,000.00 |
| 4. Puuhue towards Hawi, North Kohala..... | 50,000.00 |
| 5. Ookala towards Paauiilo, Hamakua..... | 75,000.00 |

CONSTRUCTION OF BRIDGES, WATER SYSTEM,

PIPE LINE AND SEWER SYSTEM:

- | | |
|--|-----------|
| 6. Construction of Bridges..... | 40,000.00 |
| 7. Water System, South Hilo..... | 50,000.00 |
| 8. Pipe Line and Tanks, Lanikapu to Kawaihae, South Kohala | 15,000.00 |
| 9. Sewer System, South Hilo..... | 20,000.00 |

TOTAL\$400,000.00

29/33 SECTION 3. The moneys realized from the bond issue of the year 1931 shall be expended for the following specific purposes in said County of Hawaii:

CONSTRUCTION OF ASPHALT MACADAM ROADS:

- | | |
|---|--------------|
| 10. Opihali towards Hookena, South Kona..... | \$ 50,000.00 |
| 11. Huehue towards Puuwaawaa, North Kona..... | 90,000.00 |
| 12. Kawaihaeuka towards Waimea, South Kohala..... | 100,000.00 |
| 13. Kalapana towards National Park, Puna..... | 30,000.00 |

CONSTRUCTION OF BRIDGES, WATER SYSTEM

AND SEWER SYSTEM:

- | | |
|-----------------------------------|-----------|
| 14. Construction of Bridges..... | 55,000.00 |
| 15. Water System, South Hilo..... | 50,000.00 |
| 16. Sewer System, South Hilo..... | 25,000.00 |

Total.....\$400,000.00

SECTION 4. In case the amount specified in any item in Section 2 and/or Section 3 shall not be wholly required to complete the work on such item, the unrequired balance may, after completion of said item, be expended for the work specified in any of the other items in either section.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 3rd day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 243

[S. B. No. 15]

AN ACT TO PROVIDE FOR PUBLIC IMPROVEMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

L. J. 31, 109

SECTION 1. The following sums are hereby appropriated for the following purposes, out of any available moneys now in the treasury or hereafter received by the Treasurer, for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated:

WHARF AND HARBOR IMPROVEMENTS

(To be expended under the direction of the Board of Harbor Commissioners.)

1. Nawiliwili Wharf and Terminal Improvements \$ 350,000.00
2. Wharf and Shed to replace present Piers 13 and 14, Honolulu..... 350,000.00
3. Harbor Commission Shop, Kewalo Basin..... 20,000.00
4. Extension, Kaunakakai Wharf..... 75,000.00
5. Kapalama Basin, wharves and dredging..... 350,000.00
6. Shed on extension of Pier 1, Kahului..... 150,000.00
7. Wharf, Approach and Site, Hoopuloa or vicinity 10,000.00
8. Resurfacing Piers 8, 9, 10 and 11, Honolulu..... 60,000.00

LAND, STRUCTURES AND HIGHWAYS

(To be expended under the direction of the Department of Public Works.)

9. Purchase of land carrying water rights:
Territorial Hospital, Kaneohe..... 55,138.00
10. Territorial Hospital, including equipment,
Kaneohe site 195,000.00
11. Addition to Archives Building, including equipment 50,000.00
12. Addition and reconstruction, Kapuawai Building 75,000.00
13. Buildings, including equipment, Board of Agriculture and Forestry, King and Keeaumoku Streets 100,000.00
14. National Guard Armory, Hilo, Hawaii..... 85,000.00
15. Territorial Office Building, Wailuku, Maui,
purchase of land or other rights and/or
condemnation proceedings where necessary 50,000.00
16. Territorial Office Building, Lihue, Kauai..... 35,000.00
17. Territorial Airports, Lands, Improvement to

	Land and Buildings	100,000.00
18.	Haleakala Road to National Park.....	300,000.00
19.	Roads, walks, grading and fencing, Territorial Hospital, Kaneohe	25,000.00
20.	Buildings for Territorial Normal School on New Site	150,000.00
21.	Development of Water Supply System and Storage Systems, Power Plant, Laundry, Equipment and/or Distribution System for Leper Settlement at Kalaupapa, Molokai....	75,000.00
	STRUCTURES	
	(To be expended under the direction of the Board of Regents of the University of Hawaii.)	
22.	Lecture Hall, including equipment.....	40,000.00
	TOTAL.....	\$2,700,138.00

SECTION 2. This Act shall be known as the Loan Fund Act of 1929.

SECTION 3. This Act shall take effect upon its approval.

Approved this 3rd day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 244

[S. B. No. 93]

AN ACT AUTHORIZING AND DIRECTING THE COMMISSIONER OF PUBLIC LANDS TO RETURN TO JOHN S. MACKENZIE CERTAIN MONEYS COLLECTED FROM HIM AND NOW HELD ON DEPOSIT WITH THE TREASURER OF THE TERRITORY OF HAWAII IN TRUST FUNDS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Commissioner of Public Lands is hereby authorized and directed to return to John S. Mackenzie the sum of One Thousand Four Hundred Sixteen Dollars and Eighty Cents (\$1,416.80) collected as the value of certain improvements on Lot 2, Keauu Homesteads, Oahu, which said sum the said Commissioner of Public Lands now has on deposit with the Treasurer of the Territory of Hawaii in trust funds.

SECTION 2. The above amount shall be paid by the Treasurer of the Territory upon the authorization of the Commission of Public Lands and upon warrant issued by the Auditor of the Territory. [Sic]

SECTION 3. This Act shall take effect upon its approval.

Approved this 3rd day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 245

[S. B. No. 148]

AN ACT APPROPRIATING FOUR THOUSAND FIVE HUNDRED EIGHT AND 19/100 DOLLARS (\$4,508.19), TO REIMBURSE HAWI MILL AND PLANTATION COMPANY, LIMITED, FOR A CANE CROP PLANTED ON LAND LEASED BY THE TERRITORY OF HAWAII TO C. K. AI AND ILLEGALLY CONVEYED BY SAID TERRITORY TO SAID COMPANY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated, out of the general revenues of the Territory, the sum of Four Thousand Five Hundred Eight and 19/100 Dollars (\$4,508.19) to reimburse Hawi Mill and Plantation Company, Limited, for a crop of cane planted by said company on land leased by the Territory of Hawaii to C. K. Ai and illegally conveyed by said Territory to said company.

SECTION 2. Said sum of Four Thousand Five Hundred Eight and 19/100 Dollars (\$4,508.19) shall be paid upon a warrant drawn by the Auditor of the Territory, based upon a voucher approved by the Commissioner of Public Lands.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 3rd day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 246

[S. B. No. 47]

AN ACT PROVIDING PENSIONS FOR CERTAIN PERSONS HEREIN NAMED, AND AUTHORIZING AND DIRECTING THE COUNTY OF HAWAII TO PAY THE SAME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the County of Hawaii is hereby authorized and directed to pay each month, beginning with the month of July, 1929, for the term of the respective life of each, the sums set opposite their respective names, as follows:

Mrs. Mealoha Kenoi.....	\$50.00
Mrs. Sarah Todd.....	50.00
Mrs. Emma Maby.....	50.00
Mrs. R. H. Makekau.....	50.00
David Kaupiko	30.00
Antone Pavao	30.00
Chas. K. Kamahoahoa.....	75.00
Akau Akeni	50.00
Mrs. Ahulau	30.00
Mrs. Moses Pokini.....	30.00
Manuel Nobriga	50.00
Antone Jesus, Sr.....	30.00
Mrs. John Lincoln.....	50.00
Joseph K. Kaohi.....	30.00
Mrs. Mary E. Kaapa.....	30.00

Provided, however, that no female beneficiary under this Act shall be permitted to draw the amount specified in this Act if she remarries subsequent to May 1, 1929, nor shall any beneficiary be permitted to draw the amount herein specified if such beneficiary enters into any salaried employment with the Territory of Hawaii or any political subdivision thereof or if such beneficiary is or becomes a beneficiary under any other existing or subsequently enacted territorial or county pension Act.

SECTION 2. This Act shall take effect upon its approval.

Approved this 6th day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 247

[H. B. No. 151]

AN ACT TO AMEND SECTION 2133 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO SALARIES, DISTRICT MAGISTRATES, ETC.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2133 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by amending the items thereof relating to salaries of the district magistrates of Ewa, Waianae, Waialua, Koolaupoko, Koolauloa and Wahiawa, so that said items shall read as follows:

	“Per Month.	Per Annum.
District Magistrate, Ewa.....	160.00	1920.00
District Magistrate, Waianae.....	115.00	1380.00
District Magistrate, Waialua.....	140.00	1680.00
District Magistrate, Koolaupoko.....	140.00	1680.00
District Magistrate, Koolauloa.....	115.00	1380.00
District Magistrate, Wahiawa.....	140.00	1680.00”

SECTION 2. This Act shall take effect from and after the first day of July, A. D. 1929.

Approved this 6th day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 248

[H. B. No. 193]

AN ACT PROVIDING PENSIONS FOR CERTAIN PERSONS HEREIN NAMED, AND AUTHORIZING AND DIRECTING THE CITY AND COUNTY OF HONOLULU TO PAY THE SAME.

Be it Enacted by the Legislature of the Territory of Hawaii: ^{1/31, p. 20}

SECTION 1. The Board of Supervisors of the City and County of Honolulu is hereby authorized and directed to pay each month, out of such funds as may be properly chargeable therewith, beginning with the month of July, 1929, up to and including the month of June, 1931, the sums set opposite the respective names as follows:

	Per Month
Agnes Abreau, minor.....	\$ 10.00
Richard Abreau, minor.....	10.00
Mrs. Lizzie Awai.....	40.00
Henry J. Andrews.....	40.00
Julius W. Asch.....	100.00
James R. Aylett.....	50.00
John Bell.....	60.00
Joe Benevides.....	70.00
Martha Kaaiaai Branco.....	75.00
Walter Bromley.....	100.00
Lillian Boyd, minor.....	10.00
Herbert Boyd, minor.....	10.00
James Boyd, minor.....	10.00
Maude A. Cottrell.....	50.00
W. R. Davis.....	75.00
Makaio Ehu.....	60.00
David Elia.....	40.00
Mrs. J. J. Fern.....	125.00
F. A. Ferreira.....	50.00
Joe Ferreira.....	100.00
Gustav H. Gunther.....	100.00
R. L. Gilliland.....	75.00
John Hopu.....	50.00
Mrs. Claude Haupu.....	50.00
Henry Kahoinea Heanu.....	60.00
Edward Hore.....	85.00
Edward Hopkins.....	175.00
Mrs. Lola Hopkins.....	50.00
Edwin Hughes.....	150.00
Mrs. Abigail Hopkins.....	50.00
Samuel Hookano.....	125.00
John U. Joseph.....	60.00
Philip Kanaina.....	60.00
Andrew Kalai.....	40.00
Harry Kapule.....	50.00
W. C. Kaikana.....	60.00
Joseph Kamakau.....	75.00
Henry H. Kamauoha.....	50.00
Mrs. Rosabella Kanepuu.....	75.00
Lui Kealoha.....	40.00
Julia Keonaona.....	75.00
George Kawai.....	50.00
Charles Kahuakailoa.....	50.00
Joseph Kinikapo.....	15.00
William Laa.....	75.00

	Per Month
Anjie Abreau Lake, minor.....	10.00
O. B. Larsen.....	60.00
Mrs. J. Fernandez Lewis.....	75.00
Sam Lili	40.00
Holoholoku Lilinoe	40.00
Malia Luhi	5.00
Mary Luhi	5.00
Mary Mahukona	75.00
August Martins	40.00
Manuel Martin	75.00
Mrs. Julia K. Macy.....	50.00
John P. Medeiros.....	75.00
M. N. Mello.....	30.00
Halvor Myhre	60.00
James Mahoney	50.00
David Mahuka, Sr.....	40.00
Ernest Moniz	50.00
J. W. P. Nawahine.....	40.00
William Olepau	50.00
A. R. Pimento.....	60.00
Mrs. Henry Paia.....	40.00
Mrs. Mary V. Pacheco.....	50.00
Ricardo Pereira	75.00
Melville T. Simonton.....	150.00
Henry Smith	250.00
John Stone	70.00
Mrs. S. C. Stibbard.....	75.00
Jordan A. Silva.....	75.00
Mrs. Holi Thornton.....	50.00
Samuel Wahineaea	40.00
George J. Wessel.....	100.00
Henry White	40.00
Mrs. C. J. Willis.....	100.00
George Wond	100.00
William Wond	50.00
Mrs. C. B. Wilson.....	60.00
Daniel M. Woodward.....	100.00
Abbie Zablan	75.00
David Kanealii	25.00
Ernest Machado	40.00
Louis Mendonca	100.00
James B. Mulholland.....	75.00
Manuel P. Moranha.....	40.00
Joel Kahiona Apuakehau.....	40.00
Mrs. Lukia Apuakehau.....	30.00
Alexandrina Faria	60.00

	Per Month
Mrs. Hattie Kawaaauhau Hart.....	50.00
S. C. Hardesty.....	65.00
Henry Kaipo	50.00
Kamiki Kakalia, widow.....	50.00
David Kama, Sr.	50.00
David Kapaa	50.00
Isaac K. Kaopua.....	60.00
Solomon Kaululaau	40.00
K. W. Keawe.....	40.00
Mrs. J. F. Kiernan.....	75.00
Mrs. Moepuu Kinolau.....	40.00
Henry Makuaole	40.00
John Manini Manuel.....	40.00
John Paakaula	50.00
James P. Palea.....	50.00
Charles Papaiku	75.00
Mrs. C. A. Reeves.....	75.00
Roland Watson	50.00
Henry Welch	50.00

provided, however, that no beneficiary under this Act shall be permitted to draw the pension specified in the Act, or any portion thereof, if said beneficiary is holding any salaried position of the United States, Territory of Hawaii or any political subdivision thereof; and provided, further, that pensions for widows under this Act shall cease upon their remarriage; and provided, further, that if any beneficiary shall receive, from any employment other than under the United States, the Territory of Hawaii or any political subdivision thereof, a wage or salary which, if added to the pension provided for him under this Act, shall exceed the average monthly wage or salary paid during the last five years of his employment by the said City and County of Honolulu, then such pension shall be reduced to the extent of such excess; and provided, further, that such pension as may be payable to any minor shall cease upon such minor reaching the age of majority; and provided, further, that if any male beneficiary under this Act, having a wife at the time this Act becomes effective, shall die, then such wife, as long as she remains a widow, shall be paid sixty per centum (60%) of the amount of the pension payable to such male beneficiary.

SECTION 2. This Act shall take effect from and after July 1, 1929.

Approved this 6th day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 249

[H. B. No. 215]

AN ACT AMENDING SECTION 2133 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO SALARIES OF DISTRICT MAGISTRATES, CLERKS, STENOGRAPHERS AND INTERPRETERS OF DISTRICT COURTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2133 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by amending those certain items thereof relating to the salaries of the District Magistrates of Kau, South Hilo, North Hilo, Hamakua and Puna, and of the clerk and interpreter of the District Court of South Hilo, all in the County of Hawaii, and by adding thereto an additional item relating to the salary of an assistant clerk for the District Court of South Hilo in said county, so that said items, as amended and added, will read as follows:

"District Magistrate, Kau.....	\$135.00	\$1620.00
Clerk and Interpreter, District Court,		
South Hilo	160.00	1920.00
Assistant Clerk, District Court, South		
Hilo	130.00	1560.00
District Magistrate, South Hilo.....	300.00	3600.00
District Magistrate, North Hilo.....	130.00	1560.00
District Magistrate, Hamakua.....	185.00	2220.00
District Magistrate, Puna.....	165.00	1980.00"

SECTION 2. This Act shall take effect from and after the first day of July, A. D. 1929.

Approved this 6th day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 250

[H. B. No. 355]

AN ACT AMENDING ACT 250 OF THE SESSION LAWS OF 1927, BY ADDING TWO NEW SECTIONS THERETO TO BE KNOWN AS SECTION 2A AND SECTION 2B, RELATING TO MAKING AN APPROPRIATION FOR REPAIRING AND RECONSTRUCTING THE SEAWALL IN KAILUA, NORTH KONA, HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 250 of the Session Laws of 1927 is hereby amended by adding thereto two new sections to be known as Section 2A and Section 2B, to read as follows:

"Section 2A. Any unexpended balance of the sum appropriated in Section 1 of Act 250 of the Session Laws of 1927, shall be used for the construction of a seawall and filling in of the government land, on the West side of the wharf at Kailua, North Kona, Hawaii; and the said seawall shall be constructed along the said government land."

"Section 2B. The superintendent of public works shall have charge of the construction of the seawall and fill provided for in Section 2A, and under the same conditions and provisions as provided in Section 2 of said Act 250 of the Session Laws of 1927."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 251

[H. B. No. 404]

AN ACT TO AMEND SECTION 745 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO HUNTING ON PRIVATE LANDS WITHOUT PERMISSION OF OWNER OR HIS AGENT, OR OCCUPIER OR HIS AGENT, AND PROVIDING PUNISHMENT THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 745 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 745. Hunting on private lands; punishment. It shall not be lawful for any person or persons to enter upon any land or premises belonging to, held or occupied by another for the pur-

pose of hunting with dogs or to shoot, kill, take, or destroy any kind of animal or game without first having obtained permission from the owner, or his duly appointed agent, if the owner shall be the occupier or holder, or if he shall have let another to occupy or to hold the same, without having first obtained the permission of the occupier or holder thereof, or the duly appointed agent of such occupier or holder.

Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars (\$5.00) or more than one hundred dollars (\$100.00), or by imprisonment for a period of not to exceed three months, or by both such fine and imprisonment in the discretion of the court; provided, however, that no such prosecution shall be had under the provisions of this section, except upon the sworn complaint of the owner, occupier or holder of the land or premises, or his duly appointed agent, or if such owner, occupier or holder shall be either a corporation or a partnership, then the complaint shall be sworn to by some officer of the corporation, or if the owner, holder or occupier shall be a partnership, then by one of the members of the partnership."

SECTION 2. This Act shall take effect upon its approval.

Approved this 6th day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 252

[S. B. No. 73]

AN ACT AUTHORIZING AND DIRECTING THE AUDITOR OF THE TERRITORY OF HAWAII TO PAY CERTAIN CLAIMS FOR SERVICES RENDERED IN CONNECTION WITH THE PREPARATION OF THE 1925 BUDGET, OUT OF ANY UNEXPENDED AND UNENCUMBERED BALANCES OF APPROPRIATIONS OF THE COMMISSION ON PUBLIC ACCOUNTANCY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Auditor of the Territory of Hawaii is hereby authorized and directed to pay the following named persons the sums set opposite their respective names for services rendered during January and February of 1925, in connection with the preparation of the Budget:

Mrs. K. D. Noble.....	\$190.00
Robert N. Corbaley	259.50
Harold Nott	280.50

SECTION 2. The Auditor of the Territory of Hawaii is hereby authorized and directed to pay all unpaid claims for any other services rendered in connection with over-time services in the preparation of the 1925 Budget which was prepared under the direction of Henry P. Seidemann, Director of the Commission on Public Accountancy.

SECTION 3. All of the above claims shall be paid out of any unexpended and unencumbered balances of appropriations of the Commission on Public Accountancy; provided, however, that the total amount so paid shall not exceed the sum of three thousand dollars (\$3,000.00).

SECTION 4. This Act shall take effect upon its approval.

Approved this 6th day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 253

[S. B. No. 103]

AN ACT TO AMEND SECTION 1320 OF THE REVISED LAWS OF HAWAII 1925, AND TO REPEAL SECTION 12 OF ACT 186 OF THE SESSION LAWS OF 1921, RELATING TO TAXES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The last paragraph of Section 1320 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Provided, also, that the combined property of every corporation holding a public utility franchise and occupying the public streets or highways of the Territory, other than street railway companies and any such corporation that by the terms of its franchise is required to pay a percentage of its gross income to the Territory, or county or city and county, shall be valued and assessed at not less than the total amount of the par value of the capital stock issued by such corporation."

SECTION 2. Section 12 of Act 186 of the Session Laws of the Territory of Hawaii 1921, is hereby repealed.

SECTION 3. This Act shall take effect as of January 1, 1929.

Approved this 7th day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 254

[S. B. No. 67]

AN ACT TO AMEND SECTIONS 1, 2, 3 AND 4 OF ACT 271 OF THE SESSION LAWS OF 1927, PROVIDING FOR PUBLIC IMPROVEMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii: *Sec. 175*

SECTION 1. Sections 1, 2, 3 and 4 of Act 271 of the Session Laws of 1927, providing for public improvements are hereby amended so as to read as follows:

"Section 1. The following sums are hereby appropriated for the following purposes out of any available moneys now in the treasury or hereafter received by the Treasurer for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated:

TERRITORIAL IMPROVEMENTS.

Wharf and Harbor Improvements.

(To be expended under the direction of the Board of Harbor Commissioners.)

1. Wharf and Harbor Improvements, Honolulu Harbor, including Kapalama and Kewalo Basins, Purchase of land or other rights and/or condemnation proceedings where necessary.....\$350,000.00
2. Wharf and Harbor Improvements, Kahului, Pier 2 148,628.08
3. Wharf and Harbor Improvements, Kahului, Pier 1 300,000.00
4. Resurfacing Kuhio Wharf Road, Hilo..... 25,000.00
5. Nawiliwili Wharf and Terminal Improvements.... 250,000.00
6. Wharf, approach and for site, Hoopuloa or vicinity 20,000.00

[Sic]

New Buildings and Other Improvements.

(To be expended under the direction of the Department of Public Works.)

7. Construction of Permanent Bridge, Kalakaua Avenue, Honolulu 112,000.00
8. Territorial Hospital for Insane, Kaneohe Site, including equipment 500,000.00
9. Library of Hawaii, building and equipment..... 300,000.00
10. Maui County Free Library, at Wailuku, building and equipment..... 75,000.00
11. Hilo Free Library, building and equipment..... 25,000.00
12. Girls' Industrial School, buildings, grounds and equipment 250,000.00
13. Completion of Waimea Canyon Road..... 175,000.00

(To be expended under the direction of the University of Hawaii.)

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| 14. Three units of engineering plant..... | 60,000.00 |
| 15. Laboratory building for Botany, Zoology and Entomology | 150,000.00 |
| 16. Gymnasium and equipment..... | 50,000.00 |

(To be expended under the direction of the Hawaiian Homes Commission, which Commission shall pay, from the Hawaiian Homes Loan Fund, into the treasury of the Territory, such sums as shall be necessary for the interest and sinking fund of bonds issued for the following item, as required by Section 220 of the Hawaiian Homes Commission Act of 1920.)

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| 17. Hoolehua-Palaau Water Works..... | 50,000.00 |
|--------------------------------------|-----------|

"Section 2. The following sums are also hereby appropriated for the following purposes out of any available moneys now in the treasury or hereafter received by the Treasurer for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amount herein appropriated; provided, that the sums specified in Items 18 to 52, both inclusive, with the exception of the sums specified in Items 19, 21 and 42, which shall be expended by the Territorial Highway Engineer, shall be expended by the boards of supervisors of the respective counties or city and county, in accordance with plans and specifications prepared by the engineer of such county or city and county, subject to the provisions of Section 4 hereof.

Construction, relocation, reconstruction of roads and bridges; sewer system; water works, pipe lines, extensions and water storage; hospitals and equipment; golf course; reclamation project.

OAHU:

- | | |
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| 18. Construction of City Hall, Honolulu..... | \$750,000.00 |
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PROVIDED, HOWEVER, that when the sum of \$250,000.00 shall become available and allotted, the Board of Supervisors may call for bids and contract for the construction of a complete City Hall, at a cost not to exceed \$750,000.00, notwithstanding the provisions of Sections 1479 and 2178 of the Revised Laws of Hawaii 1925, and no member of the Board of Supervisors of the City and County of Honolulu shall be liable to punishment under any of the provisions of Section 2178 of said Revised Laws, for any act done by him, and/or by the said Board of Supervisors in contravention of said Section in the expenditure of the foregoing appropriation.

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| 19. Toward completion of Kamehameha Highway, from Kualoa Point to Waiahole..... | \$100,000.00 |
|---|--------------|

20.	Acquisition of land and construction of Court House and Jail Wahiawa.....	10,000.00
21.	Kamehameha Highway and/or Bridges.....	325,000.00
22.	Aiea Homesteads Waterworks.....	40,000.00
23.	Halekou-Kaneohe Homesteads Waterworks.....	20,000.00
24.	Acquisition of sufficient land in Palolo Valley, District of Honolulu, by purchase and/or condemnation proceedings, for a public golf course, and toward the erection thereon of a golf course..	75,000.00

Provided, however, that the requisite government land in Palolo Valley to complete the golf course shall be transferred to the City and County of Honolulu by the Governor under the provisions of the Organic Act, and the Governor of the Territory is hereby authorized and requested to do all things necessary or proper to effectuate such transfer.

And provided, further, that before said amount is expended, the Board of Supervisors of the City and County of Honolulu must have entered into a binding agreement or agreements assuring a nine-hole course thereon without additional cost to the said City and County; and provided, further, that said Board shall not authorize the collection of a greens fee in excess of One Dollar (\$1.00).

25.	Kailua and Lanikai Waterworks.....	20,000.00
26.	Reclamation project, Kewalo.....	200,000.00

PROVIDED, HOWEVER, that the contract therefor shall require, and by its terms guarantee, that at least sixty-five acres of new public land makai of Ala Moana Road shall be made and filled to grade at a cost not to exceed said sum of two hundred thousand dollars (\$200,000.00), said new land to extend from a point at or near the Waikiki Drainage Canal to such a point at or near the present Kewalo Basin as shall be designated by the Board of Harbor Commissioners; and PROVIDED, FURTHER, that prior to the award of the contract, the area to be filled and the adjoining area of public land makai of the Ala Moana Road shall be transferred to said City and County, pursuant to the Organic Act or any other or further Act of Congress, and the Governor of the Territory is hereby authorized and requested to do all things necessary or proper to effectuate such transfer.

HAWAII:

27.	Pipe Lines and Extensions, South Hilo.....	100,000.00
28.	North Hilo Water Works.....	10,000.00
29.	North Kohala Waterworks.....	30,000.00
30.	Belt Road, Kaawalii Gulch, North Hilo.....	75,000.00
31.	Kukuihaele Road	50,000.00
32.	North Kohala Mountain Road towards Waimea..	100,000.00
33.	Belt Road, North Kona towards South Kohala....	50,000.00
34.	Belt Road, South Kona.....	50,000.00
35.	Belt Road, Kau.....	60,000.00
36.	Keaukaha Road.....	50,000.00
37.	Concrete Bridges and approaches.....	100,000.00
38.	Hilo Memorial Hospital and equipment.....	115,000.00

MAUI:

39.	Kula Pipe Line and Water Storage.....	45,000.00
40.	Wahikuli Waterworks.....	2,000.00
41.	Haiku and/or Pauwela Waterworks.....	28,000.00
42.	East Molokai Waterworks.....	10,000.00
43.	Road, Paia toward Haiku.....	100,000.00
44.	Road, and/or bridges, Kaunakakai toward Hoolehua	50,000.00
45.	Road, Lanai.....	25,000.00
46.	Belt Road, Concrete Bridges and approaches.....	30,000.00
47.	Sewer System, Kahului.....	75,000.00

KAUAI:

48.	Lihue-Nawiliwili Waterworks	100,000.00
49.	Concrete Bridges.....	60,000.00
50.	Extension Kalaheo Waterworks.....	15,000.00
51.	Wailua Homesteads Waterworks.....	10,000.00
52.	Kapaa Waterworks.....	15,000.00

In case the amount specified in any item in this section shall not be wholly required to complete the work on such item, the unrequired balance may, after completion of said item, be expended for the work specified in any of the other items for the same county or city and county, and any unrequired balance remaining after the completion of all the items in this section shall be transferred to the permanent improvement fund of the same county or city and county.

"Section 3. Each county or city and county shall pay to the Territory, on the interest dates of any bonds that may be issued by the Territory, the proceeds of which shall have been expended for such of the projects referred to in said items 18 to 52, both inclusive, as shall have been expended in such county or city and

county, interest upon an amount equal to the par value of such bonds at the rate of interest specified in such bonds, and also such sums annually on the second interest date and the same date each year thereafter during the term for which such bonds shall have been issued, whether afterwards refunded or not, that the aggregate of such sums annually paid will, compounded annually, at the rate of four per cent. equal at the expiration of such terms, such par value; and the Auditor of the Territory is hereby authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the Treasurer of such county or city and county, such amounts when due as are required by this section, to be paid by such county or city and county, and proper receipts shall thereupon be exchanged between the treasurers of the Territory and of such county or city and county; PROVIDED, HOWEVER, that such county or city and county may, at the option of its board of supervisors, pay on account of such bonds on any such interest date, any additional sum, and when the accrued values of all sums other than interest paid on account of such bonds, shall equal the par value of such bonds, all the obligations of said county or city and county in respect of such bonds, principal and interest, shall be discharged. Every such additional sum so paid shall be deposited to the credit of the sinking fund provided for in Acts of the Legislature authorizing and requiring sinking funds for redemption of Territorial bonds, pages 1942-3-4, Volume II, Revised Laws of Hawaii 1925, as amended by Act 247 of the Session Laws of 1927, in addition to the amount required to be deposited by said Acts.

"Section 4. No moneys shall be expended under items 18 to 52, both inclusive, until the methods, materials, plans and specifications proposed to be used for the construction or reconstruction of any sewer system, waterworks, pipe lines and extensions, water storage, hospitals, reclamation project, golf course, bridge or bridges, road or roads intended to be paid for in whole or in part with moneys provided by said items shall first be passed upon and approved by the Superintendent of Public Works. Before approving said methods, materials, plans and specifications, said Superintendent shall inspect the locality in which said work is proposed to be done and shall familiarize himself with the local conditions affecting the said proposed work."

SECTION 2. This Act shall take effect upon its approval.

Approved this 7th day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 255

[H. B. No. 72]

AN ACT MAKING APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1931.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the following sums, or so much thereof as may be necessary, respectively, are hereby appropriated for the objects and purposes hereinafter specified for the biennial period ending June 30, 1931, out of moneys in the treasury received from the general revenues:

JUDICIARY

Supreme Court.....		\$ 59,840.00
A. Personal Services..	\$ 36,240.00	
B. Other Current Expenses	15,600.00	
C. Equipment	8,000.00	
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District Court of Kalawao		1,490.00
A. Personal Services..	1,440.00	
B. Other Current Expenses	50.00	
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Land Court.....		40,100.00
A. Personal Services..	37,100.00	
B. Other Current Expenses	2,000.00	
C. Equipment	1,000.00	
	<hr/>	
Judiciary Building.....		1,000.00
C. Equipment	1,000.00	
	<hr/>	
Total, Judiciary..		\$ 102,430.00

EXECUTIVE

Governor's Office and Washington Place		\$ 40,000.00
Current Expenses to be expended at the discretion of the Governor	\$ 40,000.00	
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Governor's Contingent Fund		50,000.00
From which expenditures may be made only with the approval of the Governor and only for urgent needs for which no specific appropriation or an insufficient appropriation is made herein or otherwise, a detailed account of all of which expenditures shall be submitted to the next legislature; provided, however, that no expenditure shall be made out of this fund to increase any salary.		
Bureau of the Budget.....		32,000.00
A. Personal Services..	27,000.00	
Director	\$ 15,000.00	
Other Personal Services	12,000.00	
B. Other Current Expenses	5,000.00	
Total, Executive		\$ 122,000.00
MILITARY		
National Guard.....		\$ 91,570.00
A. Personal Services..	\$ 64,120.00	
Adjutant General	\$ 10,800.00	
Other Personal Services	53,320.00	
B. Other Current Expenses	21,100.00	

C. Equipment	3,350.00
Motor Vehicles..	1,600.00
Other Equip- ment	1,750.00

E. Structures and Per- manent Improve- ment to Land.....	1,500.00
Other Improve- ments	1,500.00

It being provided that
this sum may be
spent on land
leased to the Ter-
ritory for use of
the National Guard.

G. Capital Outlays for Rights and Obli- gations	1,500.00
Refunds, awards and indemnities..	1,500.00

Total, Military..	\$ 91,570.00
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SECRETARY OF HAWAII

Secretary's Office.....	\$ 23,500.00
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A. Personal Services..	\$ 21,000.00
B. Other Current Ex- penses	2,000.00
C. Equipment	500.00

Expenses of Elections....	28,500.00
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A. Personal Services..	13,500.00
B. Other Current Ex- penses	6,000.00
C. Equipment	9,000.00

Expenses Hawaiian Birth

Registration	23,950.00
A. Personal Services..	12,550.00
B. Other Current Ex- penses	11,400.00

Publication Session Laws of Hawaii, 1931		11,800.00
A. Personal Services..	1,250.00	
B. Other Current Ex- penses	10,550.00	
	<hr/>	
Total, Secretary of Hawaii.....		\$ 87,750.00
		<hr/>

ATTORNEY GENERAL'S DEPARTMENT

Attorney General's Of- fice		\$ 92,480.00
A. Personal Services..	\$ 75,980.00	
Attorney General..	\$ 16,800.00	
Other Personal Services	59,180.00	
	<hr/>	
B. Other Current Ex- penses	15,000.00	
C. Equipment	1,500.00	
	<hr/>	
High Sheriff and Terri- torial Prison.....		351,380.00
A. Personal Services..	171,880.00	
High Sheriff.....	8,400.00	
Other Personal Services	163,480.00	
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B. Other Current Ex- penses	170,000.00	
C. Equipment	9,500.00	
	<hr/>	
Motor Vehicles..	4,500.00	
Other Equipment	5,000.00	
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Compensation to Prison- ers		12,000.00
A. Personal Services..	12,000.00	
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Collecting Delinquent Taxes		9,600.00
A. Personal Services..	9,600.00	
	<hr/>	
Total, Attorney General's De- partment		\$ 465,460.00
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AUDITING DEPARTMENT

Auditor's Office.....		\$ 121,300.00
A. Personal Services..	\$103,800.00	
Auditor	\$ 12,000.00	
Deputy Auditor	11,400.00	
Other Personal Services	80,400.00	
B. Other Current Expenses	16,500.00	
C. Equipment	1,000.00	
Veterans Hawaii Guard 1893-1898		7,500.00
F. Fixed Charges.....	7,500.00	
Grants, Subsidies and Contributions	7,500.00	
Total, Auditing Department ..		\$ 128,800.00

DEPARTMENT OF PUBLIC LANDS

Office of the Commissioner		\$ 120,440.00
A. Personal Services..	\$ 97,440.00	
Commissioner of Public Lands..	\$ 12,000.00	
Other Personal Services	85,440.00	
B. Other Current Expenses	20,000.00	
C. Equipment	3,000.00	
Motor Vehicles..	2,000.00	
Other Equipment	1,000.00	
Board of Public Lands....		2,500.00
A. Personal Services..	500.00	
B. Other Current Expenses	2,000.00	
Board of Appraisers.....		6,000.00

A. Personal Services..	5,000.00	
B. Other Current Ex- penses	1,000.00	
Division of Hydrography		66,500.00
A. Personal Services..	18,000.00	
B. Other Current Ex- penses	4,000.00	
C. Equipment	500.00	
G. Capital Outlays for Rights and Ob- ligations	44,000.00	
Refunds, Awards a n d Indemn- ties	44,000.00	
Division of Topography..		30,000.00
A. Personal Services..	22,500.00	
B. Other Current Ex- penses	7,500.00	
House Lots Roads Con- struction		47,000.00
E. Structures and Per- manent Improve- ment to Land....	47,000.00	
Highways, Trails, Etc. :		
Waiakea House L o t s Road, Second Series	20,000.00	
Piihonua H o u s e L o t s Roads, Second Series	13,000.00	
Wahikuli House L o t s Roads, Maui	4,500.00	
Hanapepe House L o t s Roads, Kauai	9,500.00	
Total, D e p a r t- ment of Pub- lic Lands.....		\$ 272,440.00

DEPARTMENT OF PUBLIC WORKS

Office of the Superintendent		\$ 50,000.00
A. Personal Services..	\$ 43,000.00	
Superintendent..	\$ 14,400.00	
Other Personal Services	28,600.00	
B. Other Current Expenses	6,000.00	
C. Equipment	1,000.00	
Public Buildings and Grounds Service		119,540.00
A. Personal Services..	83,040.00	
B. Other Current Expenses	32,500.00	
C. Equipment	4,000.00	
New Powder Magazine, Honolulu		4,000.00
E. Structures and Permanent Improvement to Land	4,000.00	
Buildings	4,000.00	
Reconstruction Powder Magazine, Hilo..		5,000.00
E. Structures and Permanent Improvement to Land	5,000.00	
Buildings	5,000.00	
Maintenance, Additions, Repairs to and tearing down or removal of government property (including Armories and War Memorials) and Improvements to Grounds		79,450.00

B. Other Current Ex- penses	79,450.00	
Sidewalks, Territorial Lots		2,000.00
E. Structures and Permanent Im- provement to Land	2,000.00	
American Association of State Highway Officials		2,000.00
B. Other Current Ex- penses	2,000.00	
Total, Depart- ment of Pub- lic Works		\$ 261,990.00

SURVEY DEPARTMENT

General Office and Field Force		\$ 157,080.00
A. Personal Services..	\$134,520.00	
Surveyor	\$ 10,800.00	
Other Personal Services	123,720.00	
B. Other Current Ex- penses	21,060.00	
C. Equipment	1,500.00	
Total, Survey Department ..		\$ 157,080.00

TREASURY DEPARTMENT

Office of the Treasurer..		\$ 64,400.00
A. Personal Services..	\$ 57,600.00	
Treasurer	\$ 12,000.00	
Other Personal Services	45,600.00	
B. Other Current Ex- penses	6,300.00	
C. Equipment	500.00	

Deputy Bank Examiner..		54,400.00
A. Personal Services..	44,400.00	
B. Other Current Ex-		
penses	9,500.00	
C. Equipment	500.00	
	<hr/>	
Insurance Commissioner..		12,950.00
A. Personal Services..	7,200.00	
B. Other Current Ex-		
penses	5,500.00	
C. Equipment	250.00	
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Expenses, Official Bonds		12,500.00
B. Other Current Ex-		
penses	12,500.00	
	<hr/>	
Bureau of Conveyances..		138,230.00
A. Personal Services..	115,230.00 ..	
B. Other Current Ex-		
penses	13,500.00	
C. Equipment	9,500.00	
	<hr/>	
Public Debt Service.....		17,500.00
A. Personal Services..	10,000.00	
B. Other Current Ex-		
penses	7,500.00	
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Bureau of Taxes, First		
Division		247,270.00
A. Personal Services..	218,520.00	
B. Other Current Ex-		
penses	20,000.00	
C. Equipment	8,750.00	
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Motor Vehicles..	750.00	
Other Equip-		
ment	8,000.00	
	<hr/>	
Bureau of Taxes, Second		
Division		81,600.00
A. Personal Services..	68,100.00	
B. Other Current Ex-		
penses	10,000.00	
C. Equipment	3,500.00	
	<hr/>	

Bureau of Taxes, Third Division		102,320.00
A. Personal Services..	90,220.00	
B. Other Current Expenses	9,000.00	
C. Equipment	3,100.00	
Motor Vehicles..	1,300.00	
Other Equip-ment	1,800.00	
Bureau of Taxes, Fourth Division		59,800.00
A. Personal Services..	53,800.00	
B. Other Current Expenses	3,750.00	
C. Equipment	2,250.00	
Tax Books and Blanks....		15,000.00
B. Other Current Expenses	14,000.00	
C. Equipment	1,000.00	
Bureau of Income Taxes		80,750.00
A. Personal Services..	72,000.00	
B. Other Current Expenses	8,500.00	
C. Equipment	250.00	
Taxation Maps.....		27,160.00
A. Personal Services..	24,360.00	
B. Other Current Expenses	2,100.00	
C. Equipment	700.00	
Tax Appeals.....		26,500.00
A. Personal Services..	24,000.00	
B. Other Current Expenses	2,500.00	
Territorial and Divisional Boards of Equalization		40,000.00
B. Other Current Expenses	40,000.00	
Total, Treasury Department		\$ 980,380.00

BOARD OF AGRICULTURE AND FORESTRY

Board of Administration		\$ 51,000.00
A. Personal Services..	\$ 44,520.00	
Executive Secretary	\$ 9,600.00	
Other Personal Services	34,920.00	
B. Other Current Expenses	5,750.00	
C. Equipment	730.00	
Division of Forestry.....		249,790.00
A. Personal Services..	206,460.00	
B. Other Current Expenses	26,630.00	
C. Equipment	4,400.00	
Motor Vehicles..	1,900.00	
Other Equipment	2,500.00	
E. Structures and Permanent Improvement to Lands	12,300.00	
Buildings	6,600.00	
Other Improvements	5,700.00	
Eradication of Goats and Pigs		12,000.00
A. Personal Services..	4,000.00	
B. Other Current Expenses	5,220.00	
C. Equipment	1,780.00	
E. Structures and Permanent Improvement to Land	1,000.00	
Other Improvements	1,000.00	

Division of Entomology, Proper		29,570.00
A. Personal Services..	22,440.00	
B. Other Current Ex- penses	5,250.00	
C. Equipment	1,880.00	
Motor Vehicles..	750.00	
Other Equip- ment	1,130.00	
Division of Entomology, Plant Inspection and Quarantine..		48,000.00
A. Personal Services..	35,100.00	
B. Other Current Ex- penses	6,650.00	
C. Equipment	6,250.00	
Motor Vehicles..	1,500.00	
Other Equip- ment	4,750.00	
Division of Entomology, Beneficial Insects and Birds.....		5,000.00
B. Other Current Ex- penses	5,000.00	
Division of Entomology, Termite Control		27,150.00
A. Personal Services..	19,800.00	
B. Other Current Ex- penses	7,350.00	
Division of Animal In- dustry		109,240.00
A. Personal Services..	80,880.00	
B. Other Current Ex- penses	18,435.00	
C. Equipment	4,925.00	
Motor Vehicles..	3,500.00	
Other Equip- ment	1,425.00	

E. Structures a n d Permanent I m- p r o v e m e n t t o Lands	5,000.00	
Dipping Vats and Pens	5,000.00	
Eradication of Bovine Tuberculosis		55,100.00
A. Personal Services..	2,400.00	
B. Other Current Ex- penses	2,500.00	
C. Equipment	200.00	
G. Capital Outlays for Rights and Obli- gations	50,000.00	
Refunds, Awards and Indemnities	50,000.00	
Fish and Game Division..		62,790.00
A. Personal Services..	47,640.00	
B. Other Current Ex- penses	14,150.00	
C. Equipment	1,000.00	
Total, Board of A g r i c u l t u r e and Forestry..		\$ 649,640.00
BOARD OF HARBOR COMMISSIONERS		
Board of Harbor Com- missioners, Proper		\$ 18,860.00
A. Personal Services..	\$ 15,360.00	
B. Other Current Ex- penses	3,500.00	
Harbor Master and Pilots		91,640.00
A. Personal Services..	73,640.00	
B. Other Current Ex- penses	18,000.00	
Fire Boats		6,000.00
F. Fixed Charges.....	6,000.00	
Subsidies	6,000.00	

Marine Railway.....		597.22
B. Other Current Ex-		
penses	597.22	
Rental	597.22	
Maintenance and Addi-		
tions, Landings,		
Wharves and		
Pipe Lines		200,100.00
A. Personal Services..	150,100.00	
B. Other Current Ex-		
penses	50,000.00	
Harbor Dredging.....		50,000.00
B. Other Current Ex-		
penses	50,000.00	
To be available		
for maintenance		
and/or new work		
with the ap-		
proval of the		
Governor.		
Department of Aeronaut-		
ics		25,000.00
B. Other Current Ex-		
penses	25,000.00	
Total, Board of		
Harbor Com-		
missioners		\$ 392,197.22

BOARD OF HEALTH

General Office		\$ 116,230.00
A. Personal Services..	\$ 82,780.00	
President	\$ 14,400.00	
Other Personal		
Services	68,380.00	
B. Other Current Ex-		
penses	15,200.00	
Repairs and Al-		
terations, Kalihi		
Hospital, Kapio-		
lani Girls' Home		
and Kalihi Boys'		
Home	16,000.00	

C. Equipment	2,250.00	
Motor Vehicles..	1,500.00	
Other Equip- ment	750.00	
Bureau of Vital Statistics		43,090.00
A. Personal Services..	30,690.00	
B. Other Current Ex- penses	12,000.00	
C. Equipment	400.00	
Bureau of Sanitation		216,465.00
A. Personal Services..	185,800.00	
B. Other Current Ex- penses	25,000.00	
C. Equipment	5,665.00	
Motor Vehicles..	5,000.00	
To include one automobile for assistant chief sanitary in- spector, Maui. Other Equip- ment	665.00	
Plague Campaign.....		56,980.00
A. Personal Services..	39,450.00	
B. Other Current Ex- penses	16,000.00	
C. Equipment	1,530.00	
Motor Vehicles..	800.00	
Other Equipment	730.00	
Quarantine Service: Gen- eral Service		65,020.00
A. Personal Services..	23,720.00	
B. Other Current Ex- penses	40,000.00	
C. Equipment	1,300.00	
Motor Vehicles..	800.00	
Other Equipment	500.00	

Quarantine Service:		
Quarantine Stations		15,445.00
A. Personal Services..	6,995.00	
B. Other Current Expenses	8,000.00	
C. Equipment	450.00	
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Bacteriological Laboratories		16,140.00
A. Personal Services..	12,640.00	
B. Other Current Expenses	3,000.00	
C. Equipment	500.00	
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Agents (Government Physicians)		79,800.00
A. Personal Services..	79,800.00	
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Pure Food and Drugs....		25,650.00
A. Personal Services..	21,600.00	
B. Other Current Expenses	3,750.00	
C. Equipment	300.00	
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Tuberculosis: Government Hospital (Pumailo Home)		83,450.00
A. Personal Services..	41,450.00	
B. Other Current Expenses	40,000.00	
C. Equipment	2,000.00	
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Tuberculosis: Private Hospitals		336,000.00
F. Fixed Charges.....	336,000.00	
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Leahi Home.....	168,000.00	
Kula Sanitarium	96,000.00	
Samuel Mahelona Memorial Hospital	72,000.00	
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General Medical Assistants and Nursing		165,895.00
A. Personal Services..	122,195.00	

B. Other Current Ex-		
penses	35,500.00	
C. Equipment	8,200.00	
	<hr/>	
Motor Vehicles..	6,500.00	
Other Equipment	1,700.00	
	<hr/>	
Territorial Hospital:		
Sanitarium		34,834.00
A. Personal Services..	18,240.00	
B. Other Current Ex-		
penses	15,577.00	
C. Equipment	1,017.00	
	<hr/>	
Territorial Hospital		573,000.00
A. Personal Services..	261,400.00	
B. Other Current Ex-		
penses	199,100.00	
C. Equipment	80,000.00	
Motor Vehicles..	1,500.00	
Other Equipment	78,500.00	
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E. Structures and		
Permanent Im-		
provement to		
Land	32,500.00	
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H i g h w a y s,		
Trails, Etc.....	7,500.00	
Frame Dormi-		
tories	25,000.00	
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Leper Settlement and		
107 Kalihi Hospital.....		707,560.00
A. Personal Serv-		
ices	217,660.00	
B. Other Current		
Expenses	442,000.00	
C. Equipment	11,700.00	
Motor Vehicles	3,700.00	
To include one		
new automobile		
for Kalihi Hos-		
pital.		
Other Equip-		
ment	8,000.00	
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E. Structures and Permanent Improvement to Land	15,000.00	
Highways, Trails, Etc	10,000.00	
Maternity Ward, Kalaupapa	2,000.00	
New Cottage at Kalaupapa	3,000.00	
F. Fixed Charges		21,200.00
Grants, Subsidies and Contributions	21,200.00	
It being provided that from this amount of \$21,200.00 a cash allowance of \$10.00 per annum shall be paid to each inmate of the Kalihi Hospital and the Kalaupapa Settlement, which shall be paid quarterly.		
Kapiolani Girls' Home....		47,880.00
A. Personal Services	15,330.00	
B. Other Current Expenses	31,000.00	
C. Equipment	1,550.00	
Kalihi Boys' Home.....		59,930.00
A. Personal Services	28,180.00	
B. Other current Expenses	31,000.00	
C. Equipment	750.00	
Boards of Examiners.....		950.00
A. Personal Services	250.00	
B. Other Current Expenses	700.00	
Maternal and Infant Hygiene		36,903.84

A. Personal Services 36,903.84

It being provided, however, that the sum of \$23,451.92 of the above appropriation of \$36,903.84 or such amount thereof as remains unexpended, shall not be available for appropriation in the event that Federal funds are provided and made available as the same have been heretofore available.

Aiding Indigent Persons Released from the Kalihi Hospital and Leper Settlement, Kalaupapa

3,500.00

F. Fixed Charges..... 3,500.00

Grants, Subsidies and Contributions 3,500.00

Annual Trips of Children to Visit Parents, Kalaupapa

800.00

B. Other Current Expenses 800.00

Travel Expense 800.00

Relief of Persons Released from Kalihi Hospital and Kalaupapa

12,000.00

F. Fixed Charges 12,000.00

To be expended under the pro- visions of Act 41, S. L. 1923.	
Total, Board of Health.....	\$2,697,522.84

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HOME FOR FEEBLE-MINDED PERSONS

Waimano Home		\$ 183,660.00
A. Personal Services	\$74,160.00	
B. Other Current Ex- penses	75,000.00	
C. Equipment	7,500.00	
E. Structures and Permanent Im- provement to Land	27,000.00	
Buildings (Hos- pital)	\$10,000.00	
Water Works	3,000.00	
Sewer Systems	14,000.00	

Total, Home for Feeble-Minded Persons.....\$ 183,660.00

INDUSTRIAL ACCIDENT BOARDS

County of Hawaii.....		\$ 4,050.00
A. Personal Services	\$ 3,200.00	
B. Other Current Ex- penses	750.00	
C. Equipment	100.00	
County of Kauai		1,600.00
A. Personal Services	1,200.00	
B. Other Current Ex- penses	400.00	
County of Maui.....		5,600.00
A. Personal Services	3,800.00	
B. Other Current Ex- penses	1,800.00	
Oahu		22,700.00
A. Personal Services	18,500.00	
B. Other Current Ex- penses	4,200.00	
Total, Industrial Accident Boards.....		\$ 33,950.00

BOARD OF INDUSTRIAL SCHOOLS

Board of Industrial Schools, Proper		\$ 8,100.00
A. Personal Services..	\$ 6,600.00	
B. Other Current Expenses	1,500.00	
Girls' Industrial School...		137,675.00
A. Personal Services..	69,525.00	
B. Other Current Expenses	42,500.00	
C. Equipment	7,150.00	
Motor Vehicles. \$	2,150.00	
Other Equipment	5,000.00	
E. Structures and Permanent Improvement to Land	18,500.00	
Irrigation System	5,000.00	
Other Improvement to Land	3,500.00	
Removing and reconstructing Administration Building..	10,000.00	
Boys' Industrial School..		206,700.00
A. Personal Services..	80,700.00	
B. Other Current Expenses	116,000.00	
C. Equipment	10,000.00	
Motor Vehicles..	1,000.00	
Other Equipment	9,000.00	
Total, Board of Industrial Schools		\$ 352,475.00

LIBRARIES

Library of Hawaii.....		\$ 209,500.00
A. Personal Services..	\$137,000.00	
B. Other Current Expenses	26,000.00	
C. Equipment	46,500.00	

Hilo Free Library.....		59,580.00
A. Personal Services..	31,080.00	
B. Other Current Ex-		
penses	10,000.00	
C. Equipment	18,500.00	
		<hr/>
Kauai Public Library As-		
sociation, Ltd.....		31,200.00
A. Personal Services..	16,200.00	
B. Other Current Ex-		
penses	5,000.00	
C. Equipment	10,000.00	
		<hr/>
Maui County Free Li-		
brary		48,920.00
A. Personal Services..	23,420.00	
B. Other Current Ex-		
penses	8,000.00	
C. Equipment	17,500.00	
		<hr/>
Total, Libraries..		\$ 349,200.00

BOARD OF COMMISSIONERS OF PUBLIC ARCHIVES

Public Archives.....		\$ 22,050.00
A. Personal Services..	\$ 19,200.00	
B. Other Current Ex-		
penses	2,500.00	
C. Equipment	350.00	
		<hr/>
Total, Board of Commissioners of Public Archives....	\$	22,050.00

EMPLOYEES' RETIREMENT SYSTEM OF THE
TERRITORY OF HAWAII

Administrative Expenses		\$ 44,200.00
A. Personal Services..	\$ 40,700.00	
B. Other Current Ex-		
penses	3,000.00	
C. Equipment	500.00	
		<hr/>
Pension A c c u mulation		
Fund		260,097.00
F. Fixed Charges.....	260,097.00	
		<hr/>
Contributions to		
Pension A c-		
c u m u l a t i o n		
Fund	260,097.00	
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Total, Employees' Retirement System of the Territory of Hawaii		\$ 304,297.00
UNIVERSITY OF HAWAII		
General Administration....		\$ 59,050.00
A. Personal Services..	\$ 47,300.00	
President	\$ 20,000.00	
Other Personal Services	27,300.00	
B. Other Current Expenses	11,000.00	
C. Equipment	750.00	
Upkeep of Plant, Buildings and Equipment, including Aquarium		57,200.00
A. Personal Services..	36,200.00	
B. Other Current Expenses	21,000.00	
Shop Operations.....		12,780.00
A. Personal Services..	8,280.00	
B. Other Current Expenses	4,000.00	
C. Equipment	500.00	
Additions and Improvements to Plant....		21,500.00
C. Equipment	12,500.00	
E. Structures and Permanent Improvement to Land	9,000.00	
Buildings	9,000.00	
Instructional Expenditures		347,910.00
A. Personal Services..	315,410.00	
B. Other Current Expenses	16,000.00	
C. Equipment	16,500.00	

Library		49,900.00
A. Personal Services..	33,400.00	
B. Other Current Ex-		
penses	2,000.00	
C. Equipment	14,500.00	
	<hr/>	
Extension Department....		10,800.00
A. Personal Services..	9,000.00	
B. Other Current Ex-		
penses	1,300.00	
C. Equipment	500.00	
	<hr/>	
Hawaii Experiment Sta-		
tion		28,865.00
A. Personal Services..	15,010.00	
B. Other Current Ex-		
penses	9,000.00	
C. Equipment	4,855.00	
	<hr/>	
Psychological Clinic.....		23,700.00
A. Personal Services..	21,000.00	
B. Other Current Ex-		
penses	2,000.00	
C. Equipment	700.00	
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Agricultural Extension....		40,000.00
<p>It being provided that this appro- priation shall be payable to the U n i v e r s i t y o f Hawaii in total by a single war- rant or by sev- eral w a r r a n t s representing pe- riodical allot- ments, provided, h o w e v e r, that d i s b u r s e m e n t s s h a l l be regu- larly audited by the Federal Au- ditor and by the Auditor of the</p>		

Territory of Hawaii and be subject to the same limitations as respects the character of expenditures as the Federal Smith-Lever funds which it offsets.

Total, University of Hawaii		<u>\$ 651,705.00</u>
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FAIR COMMISSION OF HAWAII

Fair Commission of Hawaii		\$ 7,700.00
A. Personal Services..	\$ 4,200.00	
B. Other Current Expenses	3,250.00	
C. Equipment	<u>250.00</u>	
Total, Fair Commission of Hawaii		<u>\$ 7,700.00</u>

HISTORICAL COMMISSION

Historical Commission....		\$ 9,400.00
A. Personal Services..	\$ 8,400.00	
B. Other Current Expenses	500.00	
C. Equipment	<u>500.00</u>	
Total, Historical Commission ..		<u>\$ 9,400.00</u>

PUBLIC UTILITIES COMMISSION

Public Utilities Commission		\$ 5,000.00
B. Other Current Expenses	<u>\$ 5,000.00</u>	
Total, Public Utilities Commission		<u>\$ 5,000.00</u>

SUGAR EXPERT		
Sugar Expert.....		\$ 15,500.00
A. Personal Services..	\$ 12,500.00	
B. Other Current Ex-		
penses	3,000.00	
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Total, Sugar Ex-		
pert		\$ 15,500.00
		<hr/>

HAWAII TOURIST BUREAU		
Hawaii Tourist Bureau..		\$ 150,000.00
F. Fixed Charges.....	<u>\$150,000.00</u>	
Contributions for		
Promotion and		
Publicity	<u>\$150,000.00</u>	

Provided that this appropriation shall become available from time to time in fractional amounts equal to the amounts then received from individuals and business organizations within the Territory by said Hawaii Tourist Bureau, five members of which Bureau to be appointed by the Governor for terms of one year each or until a successor is appointed; one of said members to be selected to represent each of the Islands of Oahu, Maui, Hawaii and Kauai upon nomination

of the Boards
of County
Supervisors of
the respective Is-
lands, acting in
conjunction with
the principal
commercial or
civic organiza-
tions of said Is-
lands, and one to
be selected by
the Governor to
represent the
Territory at
large.

Total, Hawaii
Tourist Bu-
reau

\$ 150,000.00

LUNALILO HOME

Lunalilo Home.....

\$ 24,000.00

F. Fixed Charges.....

\$ 24,000.00

Contributions for

Support of.....\$ 24,000.00

Total, Lunalilo
Home

\$ 24,000.00

PAN PACIFIC UNION

Pan Pacific Union.....

\$ 15,000.00

Grants, Subsidies
and Contribu-
tions

\$ 15,000.00

Contributions for
promotion and
publicity.

Total, Pan Pa-
cific Union.....

\$ 15,000.00

Grand Total of
Totals

\$8,533,197.06

SECTION 2. Changes and transfers may be made by the head of a department or establishment with the approval of the Governor, within the foregoing schedule of appropriations, for any organization unit of such department or establishment, as to "Personal Services", "Other Current Expenses" or "Equipment". Provided, however, that in cases where no appropriation is made for "Equipment" for such organization unit of a department or establishment, the head of such department or establishment may, with the approval of the Governor, create such appropriation by changes or transfers from "Personal Services" or "Other Current Expenses" or both. And provided further that no change shall be made with respect to personal services specifically named.

SECTION 3. This Act shall take effect from and after July 1, 1929.

Approved this 8th day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 256

[S. B. No. 216]

AN ACT RELATING TO LOITERING IN PUBLIC PLACES AND PROVIDING A PENALTY THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Loitering. Any person who shall habitually loaf, loiter and/or idle upon any public street or highway or in any public place, shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

[Sic]

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 8th day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 257

[S. B. No. 91]

AN ACT TO AMEND SECTIONS 2133 AND 2134 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO SALARIES OF DISTRICT MAGISTRATES, CLERKS AND OTHER ASSISTANTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2133 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by amending items 1, 2 and 3 thereof to read as follows:

Per Month Per Annum

- | | | |
|---|-----------|-------------|
| "1. First District Magistrate, Honolulu, who shall not engage in the practice of law during his term of office | \$ 500.00 | \$ 6,000.00 |
| "2. Second District Magistrate, Honolulu, who shall not engage in the practice of law during his term of office | 500.00 | 6,000.00 |
| The said First District Magistrate and the Second District Magistrate may each hold separate sessions of the District Court of Honolulu at the same time. | | |
| "3. Clerks, stenographers and interpreters, District Court of Honolulu; First Clerk, stenographer and cashier, at \$300.00; Second clerk and stenographer, at \$275.00; Third clerk and stenographer, at \$225.00; Fourth clerk and stenographer, at \$200.00; Fifth clerk and stenographer, at \$200.00; Sixth clerk and stenographer, at \$200.00; Hawaiian interpreter and clerk at \$225.00; Chinese interpreter, at \$200.00; Japanese interpreter, at \$200.00; Portuguese interpreter, at \$200.00; Filipino and Spanish interpreter, at \$225.00..... | 2,450.00 | 29,400.00 |

SECTION 2. Section 2134 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended to read as follows:

"Sec. 2134. Pay second district magistrates. In all cases of temporary disqualification, illness, or absence, or in case of the

death of the district magistrate of South Hilo, County of Hawaii; Wailuku, County of Maui; or Lihue, County of Kauai; which absence shall be approved by the circuit judge of the circuit, the second district magistrate of South Hilo, Wailuku and Lihue, as the case may be, shall receive for compensation for his services during such disqualification, illness or absence of the district magistrate, or until such magistrate's successor is appointed and qualified, in case of the death of such magistrate, the sum of ten dollars per diem. Unless otherwise specially provided, the second district magistrate of any other district shall receive for compensation for his services during the disqualification, illness or absence of the district magistrate, or until such magistrate's successor is appointed and qualified, in case of the death of such magistrate, the sum of seven dollars per diem."

SECTION 3. This Act shall take effect on July 1, 1929.

Approved this 11th day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 258

[H. B. No. 208]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS AND AUDITOR OF THE CITY AND COUNTY OF HONOLULU TO PAY THE CLAIM OF HARRY ARMITAGE FOR ASSESSMENTS AND INTEREST FOR STREET IMPROVEMENTS IN MANOA IMPROVEMENT DISTRICT NUMBER ONE IN THE CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the board of supervisors of the City and County of Honolulu is hereby authorized and directed to make an appropriation in the sum of two thousand two hundred twelve and 99/100 dollars (\$2,212.99) from the general fund of the City and County of Honolulu, and is authorized and directed to pay the said sum of two thousand two hundred twelve and 99/100 dollars (\$2,212.99) to the said Harry Armitage.

Upon the making of such appropriation, the auditor of the City and County of Honolulu is authorized and directed to draw his warrant on the treasurer of the City and County of Honolulu for the sum of two thousand two hundred and 99/100 dollars (\$2,212.99) in favor of the said Harry Armitage, and shall deliver said warrant to the said Harry Armitage upon his presenting to him an official receipt from the treasurer of the City and County of Honolulu showing said assessments and interest paid in full.

[Sic]

SECTION 2. Upon said payment the said Harry Armitage shall be required to release the City and County of Honolulu from all claims in respect of said assessments.

SECTION 3. This Act shall take effect upon its approval.

Approved this 11th day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

J. R. No. 1

[S. J. R. No. 3]

JOINT RESOLUTION DIRECTING THE ATTORNEY GENERAL OF THE TERRITORY OF HAWAII TO INVESTIGATE AND REPORT UPON THE RIGHTS AND CLAIMS OF THE TERRITORY OF HAWAII AND THE COUNTY OF MAUI IN AND TO THE WATERS OF IAO STREAM, IAO VALLEY, COUNTY OF MAUI.

WHEREAS, the town of Wailuku, County of Maui, Territory of Hawaii, is dependent for its water supply upon the waters of Iao Stream and its sources, tributaries and branches, in Iao Valley in said County; and

WHEREAS, this Territory and the County of Maui claim water rights in said stream and numerous private individuals also claim water rights in said stream, all of which claims are uncertain and undetermined at the present time; and

WHEREAS, it is necessary and expedient that the rights of the Territory and/or of said County of Maui in and to the waters of said stream be ascertained and established in order that the water supply of said town of Wailuku may be safeguarded; Now, Therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

That the Attorney General of the Territory of Hawaii be, and he hereby is, authorized and directed to investigate the rights and claims of the Territory and the County of Maui in and to the waters of said Iao Stream and its sources, tributaries and branches, and to report to the Board of Supervisors of the County of Maui and to the Legislature of this Territory at its regular session in 1931 his findings and recommendations as to the rights and claims of said Territory and County in and to said waters, and as to the most feasible method of establishing or adjudicating said rights and claims by legal proceedings or otherwise; and be it further

RESOLVED, that the Attorney General of the Territory of Hawaii be, and he hereby is, authorized to require such investigation to be conducted by the County Attorney of the County of Maui under the direction of the Attorney General, and/or with the assistance of the Attorney General's Department.

Approved this 22nd day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

J. R. No. 2

[S. J. R. No. 1]

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES OF AMERICA TO AMEND THE ACT OF CONGRESS APPROVED MAY 25, 1926, (44 STATS. AT LARGE, C. 380) PROVIDING FOR THE CONSTRUCTION OF CERTAIN PUBLIC BUILDINGS AND FOR OTHER PURPOSES.

WHEREAS, the Act of Congress approved May 25, 1926, (44 Stats. at Large C. 380) provides that the Secretary of the Treasury of the United States shall make estimates for the construction of at least two buildings for post offices in each state for post offices having receipts of more than ten thousand dollars (\$10,000.00) during the preceding year, for which post offices no public buildings have been provided; and

WHEREAS, the post offices at Lahaina, Wailuku and Lihue, Territory of Hawaii, not housed in public buildings, each have annual receipts exceeding ten thousand dollars (\$10,000.00); now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

That the Congress of the United States of America is hereby formally requested, through the Delegate to Congress from the Territory of Hawaii, to amend Section 4 of Chapter 380, 44 Stats. at Large so as to extend the application thereof to the Territory of Hawaii.

Approved this 25th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

J. R. No. 3

[S. J. R. No. 2]

JOINT RESOLUTION DIRECTING THE SURVEYOR OF THE TERRITORY OF HAWAII TO INVESTIGATE, SURVEY AND REPORT UPON THE BOUNDARIES OF A CERTAIN PORTION OF THE WAILUKU-KAHULUI GOVERNMENT ROAD, IN THE COUNTY OF MAUI.

WHEREAS, there has arisen a dispute between the County of Maui and the Territory of Hawaii on the one part, and certain private individuals as to the true boundaries of that portion of the Wailuku-Kahului Government Road and right-of-way which lies between the junction of Main and Mill Streets, in the town of Wailuku, District of Wailuku, County of Maui, Territory of Hawaii, and the sea beach along Kahului Harbor, in said County, now, therefore, .

Be it Enacted by the Legislature of the Territory of Hawaii:

That the Surveyor of the Territory be and he hereby is, authorized and directed to investigate and to survey and determine, as far as possible, the true boundaries of said Government Road and right-of-way as above mentioned, and to send to the Board of Supervisors of the County of Maui his findings and recommendations in connection with such investigation and survey, and make a report thereon of his work with his recommendations to the next regular session of the Legislature.

Approved this 25th day of April, A. D. 1929.

W. R. FARRINGTON.

Governor of the Territory of Hawaii.

J. R. NO. 4.

[H. J. R. No. 3]

JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF A JOINT COMMITTEE OF THE LEGISLATURE, WHICH COMMITTEE IS EMPOWERED TO DESTROY ALL PAID UP WARRANTS OF THE GOVERNMENT OF THE TERRITORY OF HAWAII AND ALL BONDS AND INTEREST COUPONS REDEEMED AND PAID OF DATE PRIOR TO JULY 1, 1923.

Be it Enacted by the Legislature of the Territory of Hawaii:

The Committee on Ways and Means of the Senate and the Committee on Finance of the House of Representatives, Territory of Hawaii, are hereby appointed a Committee of the Legislature of the year 1929; and such Committee is hereby authorized and em-

powered to burn up or destroy all warrants of the government of the Territory of Hawaii which were paid on or before July 1, A. D. 1923, and all bonds and interest coupons which were redeemed and paid on or before July 1, A. D. 1923; and all actions of said Committee relating to the same are hereby approved the Legislature. [Sic]

Approved this 27th day of April, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

J. R. No. 5

[S. J. R. No. 7]

JOINT RESOLUTION DIRECTING THE BOARD OF HARBOR COMMISSIONERS FOR THE TERRITORY OF HAWAII TO ESTABLISH AND ENFORCE RATE CHARGES IN PROPORTION TO EXPENSES AND BOND REQUIREMENTS.

WHEREAS, the existing bonded indebtedness of the Territory of Hawaii in respect to harbors, wharves and other harbor improvements belonging to or controlled by the Territory exceeds the sum of Ten Million Dollars (\$10,000,000.00); and

WHEREAS, there has been authorized the expenditure of an additional One Million Dollars (\$1,000,000.00) for further harbor improvements; and

WHEREAS, for the next biennium there will be required the sum of One Million Three Hundred Thousand Dollars (\$1,300,000.00) as and for interest and sinking fund requirements in respect to the aforesaid indebtedness, and the sum of not less than Four Hundred Thousand Dollars (\$400,000.00) to care for the estimated expenses of operation, management, etc., in all amounting to approximately One Million Eight Hundred Thousand Dollars (\$1,800,000.00); and

WHEREAS, the estimated receipts in respect to said harbors and harbor operations for the coming biennium will not exceed the approximate sum of One Million One Hundred Thousand Dollars (\$1,100,000.00) or less by Seven Hundred Thousand Dollars (\$700,000.00) than the estimated requirements and expenses aforesaid; and

WHEREAS, it is highly desirable and necessary that the harbors of the Territory and all operations in relation thereto be self-supporting; and

WHEREAS, the Board of Harbor Commissioners for the Territory of Hawaii has been vested by law with the control and management of all harbors and harbor operations in the Territory; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

That the Board of Harbor Commissioners for the Territory of Hawaii be and it is hereby authorized and directed to adjust and fix and enforce the rates assessable and chargeable by it in respect to wharfage, demurrage and other rates pertaining to harbors, wharves and properties managed and operated by it, so as to produce therefrom net income sufficient in amount to equal the total of all bond requirements and expenses of operation for the coming biennium 1929-1931, in respect to such harbors, wharves and properties under its control and management, provided, however, that the minimum of such amount to be produced shall not be less than One Million Eight Hundred Thousand Dollars (\$1,800,000.00).

Approved this 1st day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

J. R. No. 6

[H. J. R. No. 5]

JOINT RESOLUTION TO AUTHORIZE AND DIRECT THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO ERECT A BANDSTAND AND DRESSING PAVILION AT KAIULANI PARK, KALIHI-UKA, CITY AND COUNTY OF HONOLULU.

WHEREAS, Kalihi-uka is rapidly increasing in population; and

WHEREAS, there is a playground provided in the district, known as Kaiulani Park, where children may play under supervision; and

WHEREAS, there are no means provided for dressing rooms for the children; and

WHEREAS, there are no means provided for band concerts to be given in this park for the benefit of the people in the district;

Be it Enacted by the Legislature of the Territory of Hawaii:

That the board of supervisors of the City and County of Honolulu be, and they are hereby authorized, empowered and directed to erect a bandstand and dressing rooms to cost not less than six thousand five hundred dollars (\$6,500.00) in Kaiulani Park, Kalihi-uka, City and County of Honolulu.

Approved this 7th day of May, A. D. 1929.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

GENERAL INDEX

A

ABSTRACT OF TITLE BUSINESS.	Page
Board of examiners.....	159
License required	159
Fee	160
Form of	160
Opinions by attorneys.....	159
Penalty for violations.....	160
ACCOUNTANCY COMMISSION.	
Claims against	317, 318
ADVISORY TAX APPRAISAL BOARDS.....	66
AGRICULTURE AND FORESTRY, BOARD OF.	
Appropriations	334-336
Building	307
Crustaceans with eggs removed.....	127
Fish dealers regulated.....	126, 127
Fishing boats and market inspection.....	287
Fishing Regulations	199-202
Pearl Oyster Fisheries, survey and regulations.....	255
Tuberculous animals	107
AGRICULTURAL EXPERIMENT STATION.	
Kona district, appropriation.....	170
AGRICULTURAL EXTENSION WORK.	
Assent given to Acts of Congress.....	18
University to conduct.....	18, 19
AFFRAY.	
Defined	21
AIRPORTS.	
Appropriation for land and improvements.....	307, 308
Waiakea	130, 135, 136
ALAMIHI POND RECLAMATION	21, 22
ALLEN, RELIEF OF EUGENE K.....	304

APPEALS.

Beauty culture board.....	157
See tax appeals.	

APPROPRIATIONS.

Aeronautics department	337
Agricultural extension	18, 19, 347, 348
Aiea Homestead waterworks	321
Aiona, Chas.	171
Aiona, Joseph	139
Airports, land, etc.	307, 308
Alamihi Pond, Lahaina	21, 22
Alberts, John J.	139
Allen, Eugene K.	304
American Association of State Highways officials.....	331
American Sanitary Laundry	300
Animal Industry, division of.....	335, 336
Archives	307, 345
Armitage, Harry	353, 354
Associated Investment Co.	37
Attorney General's office.....	327
Auditor of the Territory, office.....	328
Auto Rental Company	273
Bacteriological laboratory	339
Baker, Estate J T.....	236
Bank examiner, deputy	332
Bell, Daisy	139
Benaglia, Arthur.....	273
Beneficial insects and birds.....	335
Bishop, Estate of B. P.	171, 236
Board of Agriculture and Forestry.....	334-336
Board of Agriculture Building.....	307
Board of Commissioners of Public Archives.....	307, 345
Boards of equalization	333
Boards of Examiners (Board of Health).....	341
Board of Harbor Commissioners.....	336, 337
Board of Health agents.....	339
Board of Health, assistants, nurses.....	339
Board of Health, general office.....	337
Board of Industrial Schools.....	344
Botelho, Antone	37
Bovine Tuberculosis	336
Boys' Industrial School	344
Bureau of the Budget.....	325
Bureau of Conveyances	332

	Page
APPROPRIATIONS.	
Bureau of Income Taxes.....	333
Bureau of Sanitation	338
Bureau of Taxes	332, 333
Bureau of Vital Statistics.....	338
Bureau of Water Revenue, City and County of Honolulu..	300
Burgess, V. J.	273
Campbell, Mrs. M.	236
Cambra, Antone de	139
Canario, J. S.	236
Capitol Building	76, 77
Carlsmith, C. S.	236
Cashman, J. J.	195
Changes and transfers in.....	351
Corbaley, Robert W.	317
Cunha Estate	168, 169
Election expenses	326
Employees' Retirement System.....	345
Entomology, division of.....	335
Fair Commission of Hawaii.....	348
Federal aid highway revolving funds.....	55, 56
Federal Insurance Company.....	167
Fetter, Mrs.	139
Fire boats	336
First Trust Co. of Hilo.....	236
Fish and Game Division.....	336
Forestry Division	334
Frankel, C. & R. Mfg. Co.....	195
Fredholm, Capt. Chas.	300
Gabeler, John	78
Girls' Industrial School	319, 344
Goats and pigs, eradication.....	334
Gomes, Caesar J.	37
Goodhue, E. S.	300
Government physicians	339
Governor's Contingent Fund.....	325
Governor's office	324
Haiku Fruit & Packing Co.	87, 88
Haiku and Pawela waterworks.....	322
Haleakala road	308
Halekou-Kaneohe waterworks	321
Halemau, Mrs.	139
Hanchett, Dr. A. K.	273
Hapai, H. C.	184
Harbor Board general office	336
Shop Kewalo Basin	307

	Page
APPROPRIATIONS.	
Harbor dredging	337
Harbor masters and pilots	336
Harper, Emily	304, 305
Hatori, Henry	139
Hawaiian birth registration expenses.....	326
Hawaiian Trust Company, executor.....	273
Hawaiian Trust Company, receiver.....	278
Hawaii Consolidated Railway.....	236
Hawaii County Bond Act.....	305, 306
Hawaii County Fair Building.....	68, 69
Hawaii County Hospitals.....	93
Hawaii County unpaid claims.....	131
Hawaii Experiment Station.....	347
"Hawaii Federal Highway Act".....	55, 56
Hawaii belt roads and bridges.....	322
Hawaii Tourist Bureau.....	349
Hawi Mill and Plantation Co.....	309
High Sheriff	327
Hilo, Free Library	319, 345
Hongwanji	236
Memorial Hospital	322
National Guard Armory	307
Rice Mill	236
Waterworks	322
Hiram, John	171
Historical Commission	348
Ho, K. C.	171
Home for Feeble-Minded Persons.....	343
Home Insurance Company	256
Honolulu City Hall	320
Honolulu Finance & Thrift Co.	273
Honolulu Fire Department.....	47
Honolulu harbor fire boats.....	288, 336
Honolulu piers, etc.	307, 319
Honolulu schools, lands and buildings.....	118, 119
Honolulu Star-Bulletin, Ltd.	92, 300
Honolulu street paving	165, 166
Hoolehua-Palaau waterworks	320
Hoolulu Park	68, 69
Hoopuloa, wharf, etc.	307, 319
House of Representatives expenses.....	1
House lots roads, public lands.....	329
Hustace, Mellie E.....	169
Hydrography Division	329
Indigent persons released from leper hospitals.....	342

	Page
APPROPRIATIONS.	
Industrial Accident Boards	343
Insurance Commissioner	332
Inter-Island Steam Navigation Co.	300
Judiciary Building equipment	324
Kaawalii Gulch road	322
Kahului Pier 1 shed	307, 319
Pier 2	319
Sewer system	322
Kaihenui, Estate D.	236
Kaihenui, Estate W. G.	236
Kailua and Lanikai waterworks.....	321
Kailua Land Company	273
Kailua Palace, upkeep, etc.	89
Kailua seawall	316
Kaiulani Park bandstand.....	358
Kalaheo waterworks	322
Kalakaua Avenue bridge	319
Kalaupapa cottage, maternity ward.....	341
Store	285
Visit of children to.....	342
Water system	308
Kalawao District Court	324
Kalihi Boys' Home	337, 341
Kalihi Hospital	337, 340
Kamehameha Highway	320, 321
Kapaa waterworks	322
Kapaa Public Library	71
Kapiolani Girls' Home	337, 341
Kapalama Basin, wharves, dredging.....	307, 319
Kapuaiwa Building, addition, etc.	307
Kau, Hawaii, roads.....	322
Kauai concrete bridges	322
Kauai County pensions	91
Kauai Public Library	345
Kauhane, Mrs. E. U.....	273
Kaunakakai wharf extension.....	307
Keaukaha road	322
Kepano, Samuel W.	36
Kewalo Basin dredging	57
Kewalo Harbor Commission shop.....	307
Kewalo reclamation	321
Knights of Pythias	37
Kohala roads, waterworks	322
Koko Head-Waimanalo road.....	121
Koloa Public Park	186

	Page
APPROPRIATIONS.	
Kona Agricultural Experiment Station.....	170
Kona roads	322
Kuhio wharf road	319
Kuhlman, Jr., Louis.....	139
Kula pipe line	322
Kula Sanitarium	339
Kukuihaele road	322
Lanai road	322
Land Court	324
Land Court, personal services	196
Landings, wharves, pipe lines, maintenance.....	337
Leahi Home	339
Lee, Peter A.	78
Lepers, cash allowance to	341
Leper settlement	340, 341
Library of Hawaii	319, 344
Lihue-Nawiliwili waterworks	10, 11, 322
Lloyd, Mrs. M. R.	139
"Loan Fund Act of 1927".....	319-323
"Loan Fund Act of 1929".....	307, 308
Lucas, Joseph A.	37
Lugan, George	139
Lunalilo Home	350
Mackenzie, John S.	308, 309
Madsen, Mads L.	300
Magoon Brothers Trustees	171
Makapala school lot	194
Marine Railway	337
Maruyama, Chieyo	171
Maternal and infant hygiene.....	341
Maui County Free Library.....	319, 345
Maui roads and bridges.....	322
McCubbin, H.	139
McIntosh, John H.	32
McVeigh Home inmates	139
Meine, Henry	139
Minvielle Jr., A. E.	180
Molokai roads and waterworks.....	322
Moses Office Equipment Co.....	300
National Guard	325, 326
National Guard Armory, Hilo.....	307
Nawiliwili wharf, etc.	307, 319
Noble, Mrs. K. D.	317
Normal School Building.....	308
Nott, Harold	317

	Page
APPROPRIATIONS.	
Nunes, Antone C.	286
Official bonds, expenses	332
Okino, Mrs. W.	236
Ornellas, Joseph	78
Palolo golf course	321
Pan-Pacific Union	350
Pavao, Antone	78
Pearl oyster fisheries survey	255
Pension accumulation fund	345
Philpotts, Mrs. Irene K.	300
Pioneer Building and Loan	273
Pioneer Mill Company	300
Plague campaign	338
Plant inspection and quarantine	335
Powder magazines	330
Prisoners' compensation	177, 327
Prison, Territorial	327
Psychological clinic	347
Public Accountancy Commission, claims	317, 318
Public buildings and grounds	330
Public debt service	332
Public Improvement Act of 1927	319-323
Public Improvement Act of 1929	307-308
Public lands appraisers	328
Public Lands Board	328
Public lands office	328
Public Utilities Commission	348
Public Works, Superintendent's office	330
Pure foods and drugs	339
Puumalle Home	339
Quarantine of plants	335
Quarantine Service (Health)	338, 339
Roback, Isaac	139
Robello, John	139
Robertson, heirs of Rose	171
Robinson, J. A.	300
Rodrigues, Joe	139
Rosa, Mary	139
Rosehill, F. D.	171
Rowat, Estate A. R.	273
Samuel Mahelona Memorial Hospital	339
Secretary of Hawaii's office	326, 327
Senate expenses	2
Session Laws 1931, publication	327
Sexton, Dr. L. L.	78

	Page
APPROPRIATIONS.	
Shelter Home, Honolulu	302
Shim, Albert	280
Sidewalks, Territorial lots	331
Silva, Antone R.	139
Silva, Mrs. Julia	35
Sing, Jack	139
Smith, Emma, Trust	171
Solomon, Sam	171
Sugar expert	349
Supreme Court	324
Survey Department, office and field force.....	331
Tax appeals	333
Taxation maps	333
Tax Board	67
Tax books and blanks	333
Taxes, collecting delinquent	327
Termite control	335
Territorial Boxing Commission of Hawaii.....	271
Territorial highways revolving funds.....	55, 56
Territorial Hospital for Insane, Kaneohe.. 71, 72, 307, 308, 319, 340	
Territorial office buildings, Lihue and Wailuku.....	307
Territorial pensions	84, 272
Topography division	329
Treasury Department, office.....	331
Triangulation stations	33
Tuberculosis hospitals	339
Union Mill Company	78
Union Trust Company	273
University of Hawaii	346, 347
University buildings	308, 320
University may accept certain Congressional grants.....	18, 19
Veterans, Hawaii Guard, 1893-1898.....	328
Victor, Kumukai	236
Victor, Peter and Annie	236
Volcano Stables & Transportation Company.....	78, 236
Von Tempsky, Estate of L.	171
Wahiawa Court House.....	321
Wahikuli waterworks	322
Waiakea Airport	135, 136
Waiakea Airport approach	130
Waiakea warehouse lots road.....	142
Waikiki Land Trust	171
Wailua golf course	50
Wailua waterworks	322
Waimano Home	343

	Page
APPROPRIATIONS.	
Waimea canyon road.....	318
Waimea embankment.....	87
Washington Place	324
Waterhouse Company	300
Weight, H. S. and Mrs.	139
West Publishing Company	300
Wilcox, Marion W.	171
Will, C.	139
Wittrock, Walter	139
Wong Long Too Association.....	236
Yap Brothers	195
Young, Charles Lai	244
AQUARIUM AND MARINE LABORATORY.	
School children admitted free, when.....	75
ARCHIVES, COMMISSIONERS OF PUBLIC.	
Appropriation	345
Building addition, appropriation.....	307
Hawaiian dictionaries	132
ARMITAGE, RELIEF OF HARRY.....	353, 354
ATTORNEY GENERAL.	
Abstractors of title, examiner.....	159, 160
Beauty culture	158
Boxing contests, bonds, enforced by.....	266, 268
Iao valley waters investigation.....	354, 355
Makapala School lot	194
Waiakea Airport	135, 136
ATTORNEYS-AT-LAW.	
Collection agency licenses not required of.....	283
AUCTIONS.	
Uniform sales Act.....	211, 212
AUDITOR OF TERRITORY.	
Capitol Building rehabilitation	77
Claims, 1925 Budget	317, 318
Claims prior to June 30, 1927.....	299, 300
Federal Insurance Company's bonds.....	167, 168
Hawi Mill and Plantation Co., relief of.....	309
Highways, Federal Aid Act, duties.....	55
Home Insurance Company claim.....	256
Honolulu paving	166, 167
Kailua Palace	89

	Page
AUDITOR OF TERRITORY.	
Mackenzie, J. S., relief of.....	308, 309
Retirement of employees system, duties.....	195, 196
Waioalama swamp claims.....	236, 237
Young, C. L., claim.....	244
AUTOMOBILES.	
Assistance to persons injured	4
See Law of Road;	
Motor vehicle registration;	
Vehicles.	
B	
BAGASSE PRODUCTS.	
Taxation exemption	86
BAIL AND BOND MONEYS UNCLAIMED.	
Statute of limitations	143
BANKING CORPORATIONS.	
Acceptances, limit, etc.	250
Limits of liabilities to be assumed in accepting drafts or bills of exchange	250
Loans to directors	70
Publication of certificate	73, 74
BANKING LAWS COMMISSION.	
Chairman	175
Clerical personnel	176
Duty	175
Membership	175
No pay	175
Purpose	175
Report to Legislature	175, 176
Treasurer to cooperate	176
BEAUTY CULTURE AND HAIRDRESSERS.	
Admission to examination	155
Applications for examination	154
Appeals from Board.....	157
Attorney General's duties.....	158
Barbers excepted	158
Board created	152
Meetings	154
Organization	153
Powers and duties.....	156, 157
Records	154

	Page
BEAUTY CULTURE AND HAIRDRESSERS—Board.	
Secretary	153, 154, 158
Treasurer	153, 154
Board of Health rules	157
Certificates	155
Display	158
Duration	158
Renewal	158
Classifications	151, 152
Constitutionality of Act	159
Definitions	152
Examinations	155, 156
Examination failures	157
Exceptions to the Act	157, 158
Exemptions	156
Fees	153-155, 157, 158
Hearings	156, 157
Penalties	158
Registered schools	153
Requisites for examination and registration	154, 155
BIRTHS, DEATHS, MARRIAGES; REGISTRATION.	
Certified copies of record free to officials	120
Marriage records to Board of Health	115
Penalties	120
Physicians' duty to report deaths	120
BOARD OF ACCOUNTANCY.	
May waive examinations	173
BOARD OF AGRICULTURE.	
See Agriculture and Forestry.	
BOARD OF HARBOR COMMISSIONERS.	
See Harbor Board.	
BOARD OF HEALTH.	
Beauty culture and hairdressers	157
Births, deaths, marriages, registration	120
Kalaupapa Store	285
Water system, appropriation	308
Leper hospitals and settlement	161-162, 163-165
Marriage licenses and application forms	114
President appoints marriage license agents	114
Issues licenses to solemnize marriage	114
Marriage license records to	115
Tuberculosis record, disclosures made how	248
Vital statistics, enforcement of rules	120

	Page
BOND AND BAIL MONEYS UNCLAIMED.....	143
BOXING CONTESTS.	
Admission Tickets	268
Allowed, when	265
Amateur boxing contest	270, 271
American Legion benefit	267
Appropriation for Commission's expenses.....	271
Buildings which may be used.....	269
Commission established	264
Assistants	265, 268
Authority to subpoena witnesses, to administer oaths, penalties	265
Disposition of moneys.....	271
Expenses	264
Jurisdiction	266
Meetings	264
Office	264
Quorum	264
Reports to Legislature.....	265
Rules and regulations	264, 266
Seal	264
Secretary, salary, duties.....	265, 267, 268
Tenure	264
Vacancies	264
Contestants, age	265
Financial interest in.....	270
Physically fit	265
Prepayment to	270,
Limit of weight difference.....	270
Decision by referee	268
Definition of	271
Dishonest competition, penalty	268, 269
Financial interest in contestant prohibited.....	270
Forfeiture of license to conduct.....	267, 268, 269
Gloves, weight	265
Inspectors, duties	265, 268
Judges	266, 268
License to conduct, application.....	266
Bond	266
Fee	266
Forfeiture	267, 268
Revoking	266
License required of participants.....	266
Limit of weight difference between contestants.....	270

	Page
BOXING CONTESTS.	
Manager	266
Minors, barred when	270
Penalties	265, 267-269, 271
Physician	265, 266, 269
Prepayment to contestant prohibited.....	270
Professional boxer	266, 267, 270
"Pugilistic encounter"	271
Referee, fee	266
Duties	268
Revoking licenses	266
Rounds	265, 269
Second	266, 268
Sham boxing, penalties	269
Stopped when by referee.....	268
Sunday, no contests on.....	265
Tax upon receipts, reports thereon.....	267, 268
Ten rounds the limit.....	265, 269
Timekeeper	266
Trainer	266
Unlawful when	265

BUDGET BUREAU OF THE TERRITORY.

Director, chairman of School Budget Committee.....	172
--	-----

C**CAPITOL BUILDING.**

Rehabilitation	76, 77
----------------------	--------

CHIEF JUSTICE.

Land Court second judge, designates.....	12
--	----

CHILD WELFARE BOARD.

Crippled children	162, 163
Membership of Board	90

CIRCUIT COURTS.

Mechanic and materialmen liens, notice of completion of the work	253
Salaries and expenses	301-303
Special proceedings, original jurisdiction.....	258, 259
Tax appeal boards, assistance to.....	294

CIRCUIT JUDGE AT CHAMBERS.

Powers re curtesy	14
Valuation of life estates	15

	Page
CIRCUIT COURT JUDGMENTS.	
Assignments	23
Filing fees	23
Index	23
Lien, when	23
Registrar's duties	23
Satisfaction	23
CITIZEN LABOR	112, 113
Abstractors of title	159
CLERKS OF COURT.	
Salary of temporary assistant.....	10
CLERKS OF COURTS OF RECORD.	
Disposal of old exhibits, etc.	183
Proceeds of sale	183
COFFEE.	
Taxation exemption	136
COLLECTION AGENCY.	
Bond required	284
Suit on	284
Definition of the business.....	283, 284
Display of license	284
Fee for license	284
License, good where	284
License required of	283, 284
Cancellation of	284
COMMISSION ON PUBLIC ACCOUNTANCY.	
Claims against	317, 318
COMMISSIONER OF PUBLIC LANDS.	
See Public Lands Commissioner.	
COMMON NUISANCE.	
Obscene and other prohibited publications.....	275, 276
Search warrant	276
CONFESSIONS AS EVIDENCE.....	70
COPARTNERSHIPS.	
Penalty, non-compliance with statutes.....	47
CORONER'S INQUEST.	
Juror's fees	13

	Page
CORPORATIONS.	
Annual exhibit, penalty for not filing.....	75, 76
Charter amendments, requirements.....	130
Charter renewals	46
Preferred stock issue, copy of resolution to be filed.....	140
Shares' par value changed, fee and certificate.....	141
COSTS.	
Copies of summons, etc.	68
Partition real estate	193
Tax appeals	290, 291, 297, 298
COUNTY EMPLOYEES.	
Citizenship and residence	38
Citizenship	112, 113
Pay	91
Vacations	96
COUNTY OFFICERS.	
Election, time of	64, 65
Inventories of government assets.....	142, 143
Taking office	65
Tenure	65
COURT OF DOMESTIC RELATIONS, HONOLULU.	
Care of children	303
Salaries and expenses	302
CRIPPLED SCHOOL CHILDREN.	
Accommodations for	163
Child Welfare Board duties.....	162
CRUSTACEANS.	
With eggs removed, evidence of violations.....	127
CURTESY.	
Admeasurement	14
Partition of real estate	89
Valuation standard	15
D	
DENTISTRY.	
Penalties for illegally practicing.....	174
DISTRICT COURTS.	
Absence of magistrates	352, 353

	Page
Pay of second magistrate.....	353
Salaries of magistrates, clerks et al.....	8, 109, 110, 311, 315, 352
 DISTRICT COURT, HONOLULU.	
Clerks	110
Salaries of magistrates, clerks and other assistants.....	311, 352
 DISTRICT COURT JUDGMENTS.	
Assignments, filing	22
Filing fee	22
Index	22, 23
Lien, when	22
Registrar's duties	22, 23
Satisfaction	22
 DISTRICT MAGISTRATES.	
Absence, approval for	353
Marriage license records	115
Officers and employees	110
Pay of second district magistrates.....	352, 353
Summary marriage licenses	114
 DIVORCE.	
Jurisdiction	16
 DOWER.	
Standard for valuing	15

E

ELECTIONS.	
Clerks, number of	286
Large precincts	286
Residents of precincts	286
 ELECTIONS, GENERAL.	
Absentee voters	190, 191
Ballot counting	191
Ballot boxes	189
Color	189
One for Delegate, Senators and Representatives.....	189
Printing and distributing	189
Ballots for city and county officers.....	86
For county officers	85
"Clerk" defined	188
Disabled voter may call inspector to assist.....	190

	Page
ELECTIONS, GENERAL.	
Inspectors' clerk, government employees ineligible.....	188
Inspectors of election, government employees ineligible....	188
Mistake in list of electors.....	188
Registration lists to inspectors.....	188
Voting hours	189, 190
ELECTIONS, PRIMARY.	
Notices, newspaper publications	187
Persons entitled to vote.	
Registration and residence.....	187
Registration lists, alphabetical	187
Clerk sends to inspectors	187, 188
Voting hours	187
EMINENT DOMAIN.	
Defendant's right of action given after abandoned before final judgment	285
"ENTERPRISE FOR PROFIT."	
Assessing as such not affected by Section 1350B.....	292
Unreturned property	289
ESTATE, UNADMINISTERED.	
Disposition of balances	49, 50
EQUITY JURISDICTION AND PROCEDURE.	
Dismissal of bill	198
Service of process	44
EVIDENCE.	
Confessions	70
Possession of crustaceans with eggs removed.....	127
Tax appeals	294, 297, 298
EXECUTIONS.	
Issued on judgments and decrees.....	88
EXECUTORS AND ADMINISTRATORS.	
Accounts, hearings on	39
Claims against	24
Letters, hearings on	40
Notice to creditors	24
Real estate sales to pay debts, etc.	45
Sales of motor vehicles	240
EXPLOSIVES, SALES OF.	
Applications for	134
Dealer's reports	134

	Page
EXPLOSIVES, SALE OF	
Informer's fee	134
Penalty	134
Possession permit	133
Sales permit	133, 134
Sheriff's duties	134
User's reports	134

F

FAIR COMMISSION OF HAWAII.

Chairman	230
Fair holding discretionary	231
Membership, tenure	230
Powers of Commission.	
Recreational use of grounds, fees may be charged, fees, special fund	231

FARM LOAN BOARD.

Relief of Albert Shim	280
-----------------------------	-----

FARM LOAN FUNDS.

Capitol Building rehabilitation	76, 77
---------------------------------------	--------

FEDERAL AID.

See "Hawaii Federal Highway Act"	51-56
--	-------

FEDERAL AID PROJECT 6A	121
------------------------------	-----

FEDERAL BUREAU OF FISHERIES.

Board of Agriculture to cooperate with	255
--	-----

FEDERAL INSURANCE COMPANY.

Appropriation for lost bonds	166, 167
Bond to be given	167
Payments into sinking fund	167

FEES.

Abstractors' of title license	160
Alien fishing license	200
Aquarium entrance	75
Beauty culture and hairdressers	153-155, 157, 158
Boxing contests, licenses	266
Collection agency license	284
Coroner's juror	13
Corporation on changing shares' par value	141
Fair Grounds, use of	231

	Page
FEES.	
Hawaiian birth certificates	73
Informers'	9, 134, 144, 203, 252, 256
Judgment filing fee	22, 23
Land Court	84, 85
Marriage license applications	113
Notaries public, duplicate originals.....	185
Palolo golf course.....	321
Public documents, certifying copies.....	179
School fees, free when.....	124, 125
University of Hawaii	249
Weights and measures testing.....	146
Wharfage	176
FINES AND COSTS.	
Payments to informers.....	8, 9, 134, 144, 202, 203, 252, 255, 256
FISHERIES, PEARL OYSTER.	
See Pearl Oyster Fisheries.....	255, 256
FISHING BOATS.	
Inspected by Board Agriculture agents.....	287
FISHING BY ALIENS.	
License and fees.....	199, 200
Spear, arrow-gun and hook on spear prohibited.....	126
FISH DEALERS.	
Receipts given by	127
Reports made by	126
FISHING, REGULATION OF.	
Aliens, fishing permitted, when.....	199
License and fees	200
Spears, arrow-gun and hook on spear prohibited.....	126
Angling in day time permitted.....	199
Bait catching	201, 202
Top minnows	128
Commercial fishing permit	199, 200
Crustacean with eggs removed.....	127
Definitions	199
"Employer's fishing permit"	200
Fees	200, 201
Fishing prohibited, when	199
Fishing with throw net by alien.	
Mesh allowed	199, 200, 201

	Page
FISHING, REGULATION OF.	
Fishing with throw net by citizen.	
Informer's fee	144
Mesh allowed	144, 201
Penalty for violation	144
Informer's fee	144, 202
Mesh of nets	69, 144, 199, 200, 201, 202
Nehu fishing	252
Penalties	127, 201, 202
Permits, duration of	200, 201
Lost	201
Tags	201
Possession of crustacean with eggs removed	127
Pua for stocking ponds	201
Statements under oath	202
Top minnows for bait	128
Traps, what unlawful	69, 201, 202
Trout fishing	203
Waters within jurisdiction	69
FISH MARKETS.	
Inspection by Board Agriculture agents	287
FOREIGN CORPORATIONS.	
Penalty, non-compliance with statutes	48
FOREIGN EXECUTED WILLS ACT	178

G

GOVERNMENT ASSETS, INVENTORIES OF.	
Employees' duties	142, 143
Penalty	143
GOVERNOR.	
Advisory tax appraisal boards	66
Appropriation Act, changes and transfers in	351
Banking Laws Commission	175
Beauty Culture and Hairdressers Board	152
Child Welfare Boards	90
Divisional board of equalization	292
Fair Commission of Hawaii	230
General School Fund, changes and transfers	263
Honolulu Board of Water Supply	98
Kewalo reclamation project	321
Palolo golf course	321
Pearl Oyster Fisheries regulations	255

	Page
GOVERNOR.	
Tax Board of the Territory.....	65
Territorial Board of Equalization.....	295
Territorial Boxing Commission of Hawaii.....	264
Tourist Bureau	349
Washington's Birthday Bicentennial.....	90
GUARDIAN.	
Bond, conditions of	181
Filing accounts in small estates.....	181
GUARDIAN OF INSANE PERSON.	
Real property of ward may be improved.....	41
GUARDIANS OF THE PERSON.	
Discharged upon marriage of female ward.....	129

H

HAIRDRESSERS.

See Beauty Culture.

HALEAKALA ROAD.	308
----------------------	-----

HAMAKUA LIGHT AND POWER FRANCHISE.

Annual statement	61, 62
Bonds	60
Charges for making connections	59, 60
Construction contracts	60
Date of franchise	64
Exemption from taxation	62
Extension of lines	59
Franchise	57, 58
Franchise, amendment and repeal.....	62
Franchise forfeiture	61
Franchise not exclusive	61
Government may purchase	62, 63
Meters, charges, reasonableness how determined.....	58, 59
Payments to county	61, 62
Plant subject to inspection	58
Poles not to interfere with streets.....	58
Power to borrow money.....	60
Public Utilities Commission powers.....	59, 63, 64
Rights to acquire property, limits.....	60
Rules and regulations	58
Rules to enforce rates	61
Stock, issue and sale	62
Time of commencing work.....	62

	Page
HANALEI LIGHT AND POWER FRANCHISE.	
Annual statement	29
Bonds	28
Charges for making connections	27
Construction contracts	27
Date of franchise	31, 32
Exemption from taxation	29
Extension of lines	27
Franchise	25
Franchise, amendment and repeal	30
Franchise forfeiture	28, 29
Franchise not exclusive	28
Government may purchase	30, 31
Meters, charges, reasonableness, how determined.....	26, 27
Payments to county	29
Plant subject to inspection	26
Poles not to interfere with streets.....	26
Power to borrow money	28
Public Utilities Commission powers.....	26-29, 31
Rights to acquire property, limits.....	27, 28
Rules and regulations	25, 26
Rules to enforce rates	29
Stock, issue and sale.....	30
Time of commencing work.....	29, 30
HARBOR BOARD.	
Department of Aeronautics.....	337
General office	336
Harbor dredging	337
Honolulu fire boats	288, 336
Honolulu wharves, etc.	307, 319
Hoopuloa wharf	307, 319
Kahului piers	307, 319
Kapalama basin	307, 319
Kaunakakai wharf	307
Kewalo dredging	57, 319
Kuhio wharf road	319
"Loan Fund Act of 1929".....	307
Marine railway	337
Nawiliwili wharf, etc.	307, 319
Rates to be proportionate to expenses and bond require- ments	357, 358
Shops at Kewalo	307
Waiakea warehouse lots road.....	142
Wharfage fees	176, 357, 358

	Page
HARPER, RELIEF OF EMILY.....	304, 305
HAWAIIAN BIRTH CERTIFICATES.	
Fees	73
HAWAIIAN DICTIONARIES.	
Archives to obtain	132
HAWAIIAN PACKING COMPANY.	
Taxation exemption	276
HAWAII COUNTY.	
Ballots for county officers	85
Bonds for permanent public improvements.....	305, 306
Chairman of supervisors, salary.....	287
Citizen labor	112, 113
Claims to be paid	131
County attorney salary	287
County Fair building	68, 69
District Court, employees	110
Salaries	315
Elections, time of	64, 65
Employees' qualifications	38
Highways, federal aid	51-56
Hilo City Planning Commission	180
Hilo district magistrate, clerks, etc.....	110
Hoolulu Park	68, 69
Hospitals, funds for	93
Indigents may be provided for.....	35
Inventories of assets, penalty.....	142, 143
Juvenile courts, district magistrates.....	133
Officers, election	64, 65
Taking office	65
Tenure	65
Pensions	310
Retirement of employees system funds.....	195, 196
"Special school fund," janitors.....	245
Tax rate, 1929	138
Employees' retirement funds	195
For hospitals	93
Limits	111
Tax refunds	78, 137, 138, 171
Vacation of employees	96
Vehicle for hire, regulating.....	257-258
See Loan Fund Act 1927.....	322

	Page
HAWAII COUNTY BOND ISSUES.	
Amounts	305
Appropriation, unrequired balances	306
Principal and interest charged to Permanent Improvement Fund	305
Maturity	305
Serial bonds	305
1929 and 1930 appropriations.....	306
1931 appropriations	306
"HAWAII FEDERAL AID HIGHWAY ACT."	
Act liberally construed	56
Appropriations	55, 56
Board of Supervisors, powers.....	53, 54
Contracts, existing, confirmed	56
Contracts, how construed	53
County funds	54
Definitions	51, 52
Maintenance funds	54, 55
Revolving funds	54-56
Tax rate	54, 55
Territorial funds	53, 54
Territorial highway engineer.	
Duties	52
Powers	53
Treasurer receives Federal moneys.....	56
HAWAII TOURIST BUREAU.	
Appointed how	349, 350
Appropriation	349, 350
HAWI HILL AND PLANTATION CO.	
Relief of	309
HIGH SHERIFF.	
Certain fees abolished	68
HILO.	
City Planning Commission	180
Combustibles dangerous to buildings.....	20
District magistrate salaries	315
Fire Marshal, powers	20
Fish dealers regulated	126, 127
Memorial Hospital	322
National Guard Armory	307
Vegetation dangerous to buildings.....	20

	Page
HILO ELECTRIC LIGHT COMPANY.	
Hamakua franchise	57-64
HONOLULU BOARD OF WATER SUPPLY.	
Accounts	101
Action by three members.....	99
Appointment	98, 99
Appropriations by	102, 103
Audit of accounts	101
Bond issue	192
Repayment of	102
Sales	101, 102
Chairman	99, 101, 104
City and County Attorney, duties.....	100
Claims of damage against.....	105
Complaints by consumers.....	103
Constitutionality of Act	104
Contracts	100, 101
Definitions	97
Disbursement of funds.....	103
Duties	97, 98
Improvements to system.....	101
Ineligibility of certain persons.....	99
Interest on deposits	104
Joint use of utilities	103, 104
Lands may be acquired.....	103
Legal department	100
Manager, appointment	99
Bond	100
Fixes employees' salaries	100
Hires subordinates	100
Powers	99, 100
Salary	100
Meetings	99
Membership	97, 98
Name of Board	104
No free water	103
Obligations assumed by	100, 102
Operating expenses	102
Organization of	99
Pensions	104
Powers	98, 100, 101, 103
Properties in control of	98
Purchases	100, 101
Qualifications for membership.....	99

	Page
HONOLULU BOARD OF WATER SUPPLY.	
Quorum	99
Rates	103
Reserve fund	101-103
Rules and regulations	99
Sale of property by	101
Service of process	104
Sinking fund	102
Special deposits	104
Succeeds Honolulu Sewer and Water Commission.....	178, 192, 193
Sue and be sued	104, 177, 178
Tenure	99
Transfer of funds to	100
Treasurer of city and county, duties.....	101-104
Vacancies	99
Waterworks maintenance	277, 278
HONOLULU, CITY AND COUNTY.	
Additional police	235, 236
Allen, relief of Eugene K.....	304
Armitage, relief of Harry.....	353, 354
Auditor's salary	150
Ballots for officers' elections.....	86
Board of Water Supply	97-105
Bonds, sewer and water	192
Children, dependent and delinquent.....	303
Circuit Court, salaries and expenses.....	301-303
Citizen labor	112, 113
City and County Clerk's salary.....	150
Claims, payment directed	194, 195
Combustibles dangerous to buildings.....	20
Cunha Estate claim	168, 169
Deputy sheriffs	105
District Court, clerks, interpreters.....	110
Employees	110
Salaries	311, 352
Fire Department, appropriation	47
Fish dealers regulated	126, 127
Fire marshal, powers	20
Harper, relief of Emily.....	304, 305
Highways, Federal aid	51-56
Honolulu fire boats	288, 336
Hustace, Mellie E., claim.....	169
Indigents may be provided for.....	35
Inventories of assets, penalty.....	142, 143
Janitors of school buildings.....	245

	Page
HONOLULU, CITY AND COUNTY.	
Kaialani Park bandstand.....	358
Kalakaua Avenue bridge	319
Kalaniana'ole highway	121
Koko Head-Waimanalo road	121
Palolo golf course	321
Pensions	311-314
Minor reaching majority	314
Reduced when	314
Widow's after husband's death.....	314
Widows lose by marriage.....	314
Police officer, minimum salary.....	235
Police to inhabitants, ratio.....	235
Policewomen	235
Probation officers	302
Reimbursement, paving public frontages.....	166, 167
Retirement of employees system funds.....	195, 196
"Road fund" pays police.....	236
School buildings 1929.....	118, 119
Shelter Home	302
Sheriff's salary	150
Special school fund.....	119, 259, 260
"Special school fund," janitors.....	245
Supervisors to furnish additional police.....	235
Tax rate—Employees' retirement funds.....	195
Tax rate limits	111
Tax rate 1929, schools.....	119
Tax refunds ordered	37, 171
Treasurer's salary	150
Truant officers	302
Vacations of employees	96
Vegetation dangerous to buildings.....	20
Vehicle for hire, regulating.....	257, 258
Waterworks maintenance	277, 278
HONOLULU HARBOR FIRE BOATS.....	288, 336
HONOLULU HIGHWAYS IMPROVEMENTS.	
Assessments, after lease or sale of exempt land.....	123
Notice by registered mail.....	251
Installment unpaid, reinstatement before sale.....	131, 132
Interest on, 1 percentum higher than bond interest.....	251
Board must value land.....	251
Bond redemption before maturity.....	144, 145
Default in assessment payment cured before sale.....	131, 132
Districts other than Honolulu	93, 94

	Page
HONOLULU HIGHWAYS IMPROVEMENTS.	
Exempt land leased or sold.....	123
Public land or land exempt from taxation.	
Municipality may pay in installments.....	123
Ratio of cost of improvement to value of land.....	251
Reimbursement of municipality, when not allowed.....	123
HONOLULU SEWER AND WATER COMMISSION.	
Bond issue	192
Duties	246-248
Functions to cease	105
Permit for new wells.....	247
Powers	247, 248
Successor of	178, 192, 193
Sue and be sued	177
HONOLULU WATER AND SEWER WORKS.	
Maintenance	277, 278
HOOLULU PARK	68, 69
HUNTING ON PRIVATE LANDS.	
Agent as well as owner may give permission.....	316, 317
Sworn complaint by agent as well as owner.....	317
I	
INDIGENTS.	
Counties may provide for.....	35
INDUSTRIAL ACCIDENT BOARD.	
Certificate from before license granted.....	281
INDUSTRIAL SCHOOLS.	
"Maunawili Training School for Girls".....	198
"Waialeale Training School for Boys".....	198
INFORMERS.	
Accounting for payments to.....	8, 9
Fishing violations	144, 202
Illegal sale of explosives.....	134
Nehu catching	252
Pearl oyster fisheries.....	255, 256
Trout fishing	203
INHERITANCE TAX.	
Reciprocal provision	184, 185

	Page
INSANITARY LAND ACT.	
Fund to pay Waiolama claims.....	236
INSURANCE LAW.	
Combustibles dangerous to buildings.....	20
Weeds, etc., dangerous to buildings.....	20
INTOXICATING LIQUOR.	
Doctors' prescriptions	129
"ISENBERG MEMORIAL LOT".	
Taxation exemption	72

J

JOINDER OF CAUSES OF ACTION.....	19, 20
JOINT RESOLUTION NO. 1.	
Iao Valley waters	354, 355
JOINT RESOLUTION NO. 2.	
Memorial to Congress for post offices.....	355
JOINT RESOLUTION NO. 3.	
Survey of Wailuku-Kahului Road.....	356
JOINT RESOLUTION NO. 4.	
Destruction of paid warrants.....	356, 357
JOINT RESOLUTION NO. 5.	
Harbor Board, wharfage and other rates.....	357, 358
JOINT RESOLUTION NO. 6	
Kaiulani Park bandstand.....	358
JUVENILE COURTS.	
District magistrates, Maui and Hawaii counties.....	133

K

KAILUA PALACE, KONA, HAWAII.	
Upkeep, maintenance and repairs.....	89
KAILUA SEA WALL, HAWAII.....	316
KAIULANI PARK, HONOLULU.	
Bandstand and dressing rooms.....	358

	Page
KALANIANA'OLE HIGHWAY	121
KALAUPAPA STORE.	
Appropriation	285
KALAUPAPA WATER SYSTEM.....	308
KAPAA WATERWORKS	322
KAPAAU PUBLIC LIBRARY	71
KAPALAMA BASIN DREDGING.....	307, 319
KAPUAIWA BUILDING	307
KAUAI COUNTY.	
Ballots for county officers.....	85
Citizen labor	112, 113
Concrete bridges	322
District court employees.....	110
District magistrates' salaries.....	8
Elections, time of	64, 65
Employees' qualifications	38
Highways, federal aid	51-56
Indigents may be provided for.....	35
Inventories of assets, penalty.....	142, 143
Koloa public park.....	186
Lihue-Nawiliwili waterworks.....	10, 11, 322
Lihue Territorial office building.....	307
Officers, election	64, 65
Taking office	65
Tenure	65
Pensions	91
Post office at Lihue.....	355
Retirement of employees' system funds.....	195, 196
Smith, Emma, Trust, appropriation	171
"Special school fund", janitors.....	245
Supervisors elected at large.....	108
Tax rate.	
Employees' retirement funds.....	195
Limits	111
Tax refunds ordered	171
Vacation of employees.....	96
Vehicle for hire, regulating	257, 258
Waterworks	322
KAUNAKAKAI WHARF EXTENSION.....	307

	Page
KAWAIHAU LIGHT AND POWER FRANCHISE.	
Taxation exemption	92
KAWAILOA BEACH LOTS ROAD.	
Act 179, S. L. 1917 repealed.....	36
KEWALO BASIN DREDGING.....	57, 319
KEWALO RECLAMATION PROJECT.....	321
KIDNAPPING.	
Punishment	124
KOKO HEAD-WAIMANALO ROAD.....	121
KOLOA, KAUAI, PARK	186
KONA AGRICULTURAL EXPERIMENT STATION.....	170
KULA PIPE LINE.....	322

L

LABORERS ON PUBLIC WORKS.	
Citizen requirement	112, 113
Pay	91
LANAI ROAD	322
LAND COURT.	
Application may include several parcels.....	197
Appropriation, personal services	196, 324
Fees	84, 85
Judge examines abstractors of title.....	159, 160
Second judge	12
LANDLORD AND TENANT.	
Notice to vacate	95
Oral leases	95
Tax appeals	298, 299
Tenancy by the month.....	95
LAW OF ROAD.	
"Hit and run", penalty.....	4
Vehicle lights	147-149
LEPER.	
Tax exemptions	37, 38
Treatment and care.....	161, 162, 163-165

	Page
LEPER HOSPITALS AND SETTLEMENT.	
Appropriations	340-343
Children	162, 342
Control of kokuas	164, 165
Examination of patients et al.....	163, 164
Inmates, aid to discharged.....	342, 343
Inmates, cash allowances	341
Kalaupapa Store	285
Water system	308
Labor of patients by consent.....	164
Pregnant mothers	161, 162
Release, temporary	164
Treatment and care of patients.....	161
Vessels carrying lepers	165
LICENSE.	
Abstract of title business.....	159, 160
Boxing contests	266
Collection agency	283, 284
Fishing	199-202
Marriage	113, 114
Trout fishing	203
Vehicle for passenger hire.....	257, 258
Before any obtained, certificate from Industrial Accident Board required	281
LIENS.	
Circuit Court judgments	23
District Court judgments	22
Uniform sales Act	220, 221
LIENS OF MECHANICS AND MATERIALMEN.	
Allowed on alterations and additions.....	253
Expiration of	253
Lien after notice filed in Circuit Court.....	253
Notice of completion of the work.....	253
LIFE ESTATES.	
Standard for valuing	15
LIHUE-NAWILIWILI WATERWORKS.....	10, 11, 322
LILIUOKALANI TRUSTEES.	
Tax refunds validated	145, 146
LIVERY STABLES.	
License fee for, abolished	3

"LOAN FUND ACT OF 1927".

Page

Territorial items:

Girls' Industrial School	319
Hilo Free Library	319
Honolulu Harbor	319
Hoolehua-Palaau waterworks	320
Hoopuloa wharf and approach.....	319
Kalakaua Avenue bridge	319
Kahului harbor	319
Library of Hawaii	319
Maui County Free Library	319
Nawiliwili wharf, etc.....	319
Territorial Hospital for Insane.....	319
University of Hawaii	320
Waimea canyon road	319

Honolulu City and County items:

Aiea homesteads waterworks	321
City Hall	320
Halekou-Kaneohe waterworks	321
Kailua-Lanikai waterworks	321
Kamehameha highway and bridge.....	320, 321
Kewalo reclamation	321
Palolo golf course	321
Waimea courthouse	321

Hawaii County items:

Belt road, Kaawalii Gulch	322
Belt road, Kau	322
Belt road, North Kona	322
Belt road, South Kona.....	322
Concrete bridges, etc.	322
Hilo Memorial Hospital	322
Keaukaha road	322
Kukuihaele road	322
North Hilo waterworks	322
North Kohala mountain road	322
North Kohala waterworks	322
Pipe lines, etc., South Hilo	322

Maui County items:

Belt road, concrete bridges, etc.	322
East Molokai waterworks	322
Haiku-Pauwela waterworks	322
Kula pipe line	322
Roads, etc., Kaunakakai	322
Road, Lanai	322
Road, Paia towards Haiku	322
Sewer system, Kahului	322

	Page
LOAN FUND ACT OF 1927.	
Wahikuli waterworks	322
Kauai County items:	
Concrete bridges	322
Extension Kalaheo waterworks	322
Kapaa waterworks	322
Lihue-Nawiliwili waterworks	322
Wailua homestead waterworks	322
 "LOAN FUND ACT OF 1929".	
Airports, land, improvements	307, 308
Archives Building, etc.	307
Board of Agriculture Building	307
Haleakala road	308
Hilo National Guard Armory.....	307
Honolulu, Piers 8-11, resurfacing.....	307
Honolulu wharf and shed, Piers 13 and 14.....	307
Hoopuloa, wharf and approach.....	307
Kahului, shed on Pier 1 extension.....	307
Kaneohe Hospital, land and water, equipment, etc.....	307, 308
Kalaupapa water system	308
Kapuaiwa Building, etc.	307
Kapalama basin, wharves, dredging	307
Kaunakakai wharf extension	307
Kewalo Basin, Harbor Commission shop.....	307
Lihue Territorial Office Building.....	307
Nawiliwili wharf and terminals.....	307
Normal School buildings	308
University lecture hall	308
Wailuku, Territorial Office Building.....	307
 LOITERING.	
Misdemeanor, penalty	351

M

MACKENZIE, RELIEF OF JOHN S.	308, 309
MAKAPALA SCHOOL LOT.....	194
 MARRIAGE.	
Agents to grant licenses	113
Fee disposal	113
Application for license	113, 114
Board of Health president appoints agents.....	113
Licenses persons to solemnize.....	114

	Page
MARRIAGE.	
District magistrates' records	115
Fees, application for license	113
License to marry	113, 114
License to solemnize	114
Records to Board of Health.....	115
Minor	114
Sworn consent of parent or guardian.....	113
Penalty not filing records.....	115
Persons under age	113, 114
Solemnized by whom	115
Records to Board of Health.....	115
Summary licenses	114
Three days before license issues.....	114
MAUI COUNTY.	
Alamihī Pond, Lahaina	21, 22
Ballots for county officers.....	85
Board of Supervisors, membership.....	106
Chairman of Supervisors, salary.....	287
Circuit Court, salaries	303
Citizen labor	112, 113
District Court employees	110
District magistrates' salaries.....	109, 110
East Molokai waterworks	322
Elections, time of	64, 65
Employees' qualifications	38
Haiku Fruit & Packing Co., appropriation.....	87, 88
Haiku-Pauwela waterworks	322
Highways, Federal aid	51-56
Iao Valley waters investigation	354, 355
Indigents may be provided for.....	35
Inventories of assets, penalty.....	142, 143
Juvenile Courts, district magistrates.....	133
Kahului sewer system	322
Kula pipe line	322
Lahaina District Court clerk.....	110
Lanai road	322
Makawao District Court clerk.....	110
Molokai roads	322
Officers, election	64, 65
Taking office	65
Tenure	65
Post offices, Lahaina, Wailuku.....	355
Retirement of employees system funds.....	195, 196
Road appropriations	322

	Page
MAUI COUNTY.	
"Special school fund," janitors.....	245
Survey Wailuku-Kahului road	356
Tax rate.	
Employees' retirement funds	195
Limits	111
Tax refund ordered	171
Vacation of employees	96
Vehicle for hire, regulating	257-258
Vocational school in East Maui.....	125
Wahikuli waterworks	322
Wailuku District Court clerks, interpreters.....	110
Wailuku Territorial Office Building.....	307
MEDICINE.	
Doctors' liquor prescriptions	129
Must report deaths	120
Penalty unlawful practice of.....	121, 122
MEMORIAL TO CONGRESS.	
Post-office buildings	355
MENTAL DISEASES.	
Contributions for patients' care in Territorial Hospital....	5
MORTGAGES.	
Uniform law of sales does not affect.....	208, 227
MOTOR VEHICLE REGISTRATION.	
Applicant must satisfy Treasurer.....	238
Application for	237
Certificate of ownership.	
Containers	239, 243
Endorsed upon sale.....	239, 240
Lost	243
Penalty for not delivering to transferee.....	241
Requirements	238, 239
Transfers	240, 241
Certificate of registration	238, 239
Container	239
Lost	243
Consular owned vehicles	243, 244
Container for registration certificate fastened in car.....	239
Cost of	239
County Treasurer, duties.....	237, 238, 239, 240, 241, 242
Dealers, application	241
Must use plates.....	242

	Page
MOTOR VEHICLE REGISTRATION—Dealers.	
Notify Treasurer of transfers.....	242
Symbol or number.....	241
Dealers' duties upon transfer	241
Definitions	243
Destroying or obliterating a motor number, penalty.....	238
Exceptions to registering requirement.....	237, 238
Government vehicles	243, 244
Implements of husbandry temporarily on roads.....	237, 238
Motorcycle	239
Non-resident owner	242, 243
Number to distinguish each motor.....	238
On sale of vehicle	239, 240, 241
Penalties	241, 244
Record of registration.....	238
Registration as of January 1, prior to March 1.....	239
Expires January 31.....	239
Valid only for the year issued.....	239
Registration required	237
On sale of vehicle	239, 240
Renewed annually before March 1.....	239
Sale of car	239, 240, 241
Specially constructed vehicle	237
Tax unamended	239
Temporary permit	242
Transfer by operation of law.....	240
U. S. naval and army forces.....	237, 243
Vehicles registered elsewhere.....	237

N

NATIONAL GUARD ARMORY AT HILO.....	307
NATIONAL GUARD AND NAVAL MILITIA.	
Appropriations	325, 326
Personal tax exemption	49
NORMAL SCHOOL BUILDING.....	308
NOTARIES PUBLIC.	
Duplicate original fees	185
Removed how	2
NOTICE TO CREDITORS OF DECEASED PERSONS.....	24
NOTICES TO VACATE.....	95

	Page
NEHU.	
Bait purposes	252
Family consumption	252
Informer's fee	252
Penalty for illegal catching	252
NUNES, RELIEF OF A. C.	286

O

OBSCENE AND OTHER PROHIBITED PUBLICATIONS.

Common nuisance	275, 276
Destroyed by court order.....	276
Search warrant	276

P

PALOLO GOLF COURSE.....	321
-------------------------	-----

PARTITION OF REAL ESTATE.

Costs.	
Attorney's fee	193
Deposit for costs	193
Curtesy	89
Life estates in possession.....	182

PEARL OYSTER FISHERIES.

Appropriation for survey	255
Federal Bureau to cooperate.....	255
Governor's powers	255
Informer's fee	256
Penalties for violations	255, 256
Protected under regulation	255
Regulated by Board of Agriculture.....	255
Rules concerning	255
Survey authorized	255

PENSIONS.

Abreu, Agnes	312
Abreau, Richard	312
Ahulau, Mrs.	310
Akeni, Akau	310
Andrews, Henry J.	312
Apuakehau, J. K.	313
Apuakehau, Mrs. L.	313
Asch, Julius W.*.....	312

	Page
PENSIONS.	
Awai, Mrs. Lizzie	312
Aylett, James R.	312
Bandsmen	6, 7
Bell, John	312
Benevides, Joe	312
Boyd, Herbert	312
Boyd, Lillian	312
Branco, Martha K.	312
Bromley, Walter	312
Copp, George	135
Cottrell, Maude A.	312
Davis, W. R.	312
Ehu, Makafo	312
Elia, David	312
Faria, Alexandrina	313
Fern, Mrs. J. J.	312
Ferreira, F. A.	312
Ferreira, Joe	312
Firemen	6, 7
Gilliland, R. L.	312
Gunther, Gustav, H.	312
Hardesty, S. C.	314
Hart, Mrs. H. K.	314
Haupu, Mrs. Claude	312
Hawaii County pensions	310
Heanu, Henry K.	312
Henning, William	135
Hickey, Mrs. Alice K.	272
Holi, Mrs. H. K.	91
Honolulu, City and County	311-314
Reduced when	314
Minor reaching majority	314
Widows lose by marriage.....	314
Widow's after husband's death.....	314
Honolulu Water Supply Board employees.....	104
Hookano, Samuel	312
Hopkins, Mrs. Abigail	312
Hopkins, Edward	312
Hopkins, Mrs. Lola	312
Hopu, John	312
Hore, Edward	312
Hughes, Edwin	312
Iona, Isaac	91
Jardine	4

PENSIONS.

	Page
Jesus, Sr., Antone	310
Joseph, John W.	312
Kaapa, Mrs. Mary E.	310
Kaea, Sr., James	135
Kaeo, S. K.	91
Kahuakailoa, Charles	312
Kaikana, W. C.	312
Kaipo, Henry	314
Kakalia, Kamiki	314
Kalai, Andrew	312
Kalua, Mrs. J. W.	135
Kama, Sr., D.	314
Kamahoahoa, Chas. K.	310
Kamakau, Joseph	312
Kamauoha, Henry H.	312
Kanaina, Philip	312
Kanealii, David	313
Kanehe, Mary M.	91
Kanepuu, Mrs. Rosabella	312
Kaohi, Joseph K.	310
Kaopua, Isaac K.	314
Kapaa, David	314
Kapule, Harry	312
Kauai County pensions	91
Kaululaau, Solomon	314
Kaupiko, David	310
Kawai, George	312
Kealoha, Lui	312
Keawe, K. W.	314
Kenoi, Mrs. Mealoha	310
Keonaona, Julia	312
Kiernan, Mrs. J. F.	314
Kinikapo, Joseph	312
Kinolau, Mrs. M.	314
Laa, William	312
Lake, Anjie Abreau	313
Larsen, O. B.	313
Lewis, Mrs. J. F.	313
Lili, Sam	313
Lilinoe, Holoholoku	313
Lincoln, Mrs. John	310
Luhi, Malia	313
Luhi, Mary	313
Maby, Mrs. Emma	310
Machado, Ernest	313

PENSIONS.

Page

Macy, Mrs. Julia K.	313
Mahoney, James	313
Mahuka, Sr., David	313
Mahukona, Mary	313
Makekau, Mrs. R. H.	310
Makuaole, Henry	314
Manuel, J. M.	314
Martin, Manuel	313
Martins, August	313
Maui County pensions	135
McIntosh, John H.	186
Medeiros, John P.	313
Mello, M. N.	313
Mendonca, Louis	313
Moniz, Ernest	313
Moranha, M. P.	313
Morris, Joe	135
Mulholland, J. B.	313
Myhre, Halvor	313
Nawahine, J. W. P.	313
Nobriga, Manuel	310
Olepau, William	313
Paakaula, John	314
Pacheco, Mrs. Mary V.	313
Paia, Mrs. Henry	313
Palea, J. P.	314
Papaiku, Charles	314
Pavao, Antone	310
Pereira, Ricardo	313
Pimento, A. R.	313
Pokini, Mrs. Moses	310
Policemen	6, 7
Reeves, Mrs. C. A.	314
Saffery, John	135
Silva, Jordan A.	313
Simonton, Melville T.	313
Sister M. Antonia	272
Sister M. Benedicta	272
Sister M. Crescentia	272
Sister M. Elizabeth	272
Sister M. Helene	272
Sister M. Leopoldina	272
Smith, Hannah	272
Smith, Henry	313
Stibbard, Mrs. S. C.	313

	Page
PENSIONS.	
Stone, John	313
Territorial pensions continued	84
Thomas, Mrs. Helen J.	272
Thornton, Mrs. Holli	313
Todd, Mrs. Sarah	310
Wahineaea, Samuel	313
Watson, Roland	314
Welch, Henry	314
Wessel, Samuel	313
White, Henry	313
Wilcox, Ellen N.	135
Willis, Mrs. C. J.	313
Wilson, Mrs. C. B.	313
Wond, George	313
Wond, William	313
Woodward, D. M.	313
Zablan, Annie	313
PHYSICIANS.	
Deaths to be reported by.....	120
Liquor prescriptions	129
Penalty for unlawful practice.....	121, 122
POLL TAXES.	
Expended for current expenses.....	277
POST-OFFICE BUILDINGS.	
Memorial to Congress	355
PREFERENCE RIGHTS LAW.	
Repealed	275
PRISONERS.	
Appropriation for their compensation.....	177, 327
Waiakea Airport, housing, etc.	135, 136
PRIZE FIGHTS.	
Affrays when unauthorized	21
PROBATE JURISDICTION AND PROCEDURE.	
Accounts of executors and administrators.	
Hearing	39
Notice	39
Posting notice	39
Publication of notice.....	39
Small estates	39
Temporary administration	39

	Page
PROBATE JURISDICTION AND PROCEDURE.	
Claims against deceased, bar of.....	24
Original petition.	
Hearing	40
Notice	40
Posting notice	40
Publication of notice	40
Small estates	40
Temporary administration	40
Notice to creditors	24
Real estate sales to pay debts, etc.....	45
Unadministered small estates, disposition of balances.....	49, 50
PUBLIC ACCOUNTANCY COMMISSION, ON.	
Claims for making 1925 Budget.....	317, 318
PUBLIC DOCUMENTS.	
Certified copies, fees	179
PUBLIC EMPLOYEE.	
Citizenship qualifications	112, 113
Pay on public works.....	91
Vacations to per diem worker.....	96
PUBLIC IMPROVEMENTS.	
Airports	130, 135, 136, 307, 308
Alamihī Pond reclamation	21, 22
Archives Building	307
Board of Agriculture Building.....	307
Capitol Building	76, 77
County of Hawaii bond Act.....	305, 306
Haleakala road	308
Hoolulu Park	68, 69
Kailua, Hawaii, seawall	316
Kailua Palace	89
Kaʻiulani Park bandstand.....	358
Kalaupapa water system	308
Kapaau Public Library	71
Kapuaiwa Building	307
Koko Head-Waimanalo road	121
Kolea Public Park	186
Lihue-Nawiliwili waterworks	10, 11, 322
“Loan Fund Act of 1927”	
Amendments	319-323
“Loan Fund Act of 1929”	307, 308
National Guard Armory, Hilo	307
Normal School building	308

	Page
PUBLIC IMPROVEMENTS.	
Territorial Insane Hospital, Kaneohe.....	71, 72, 307, 308, 340
Territorial office buildings	307
Waiakea Airport	130, 135, 136
Waiakea warehouse lots road.....	142
Wailua golf course, Kauai.....	50
Waimea embankment	87
See 1929 appropriations	324-351
Harbor Board.	
PUBLIC IMPROVEMENT ACT, 1927.	
See Loan Fund Act of 1927.....	319-323
PUBLIC IMPROVEMENT ACT, 1929.	
See Loan Fund Act of 1929.....	307, 308
PUBLIC INSTRUCTION, DEPARTMENT OF.	
Books and fees.	
May be free in grades 1-9.....	124, 125
Renting of books	263
Budget 1930-1931.	
General fund	261-263
Special fund	259-261
Certificate of registration, child under six.....	166
"Citizen labor"	112, 113
Committee of estimates	172
Compulsory attendance at school, exceptions.....	234
Crippled school children	162, 163
Honolulu schools, appropriation land and buildings.....	118, 119, 260
Janitor service	245, 260
Makapala school lot	194
Maui County, East Maui, Vocational School.....	125
Minimum child age	166
Normal School building, appropriation.....	308
Over age pupils	234
Principal's authority to drop pupil.....	234
Probation in High Schools.....	234
Religious education in schools.....	140, 141
Salary schedule	116, 117
School books, fund for, rental.....	263
School Budget Committee.....	172
School children, admission to aquarium.....	75
Supervisors, twenty	116
Waipio, Hawaii, school lot.....	246
PUBLIC LANDS.	
Death of homesteader, vesting of title.....	174, 175

	Page
PUBLIC LANDS COMMISSIONER.	
Hawi Mill and Plantation Co., relief.....	309
Mackenzie, John S., relief of.....	308, 309
Makapala school lot	194
"Preference Rights" law repealed.....	275
Waipio, Hawaii, school lot	246
PUBLIC LOANS.	
Limit	274
PUBLIC SCHOOLS.	
See Schools, public—Public Instruction, Department of.	
PUBLIC SCHOOLS MAINTENANCE.	
Salary schedule	116, 117
PUBLIC UTILITY USING STREETS.	
Basis of valuation for taxation.....	318
PUBLIC WORKS.	
Citizenship of laborers.....	112, 113
Pay of laborers	91
PUBLIC WORKS, SUPERINTENDENT.	
Airports	130, 135, 136, 307, 308
Alamihī Pond, Lahaina	21
Archives Building	307
Board of Agriculture Building.....	307
Capitol Building rehabilitation	76, 77
Employees, citizen labor	112, 113
Vacations	96
Wages	91
Haleakala road	308
Hawaii County Fair building	68, 69
Hawaii Federal Aid Highway Act.....	51-56
Honolulu Board of Water Supply.....	97
Hoolulu Park	68, 69
Hospital for Insane, improvements.....	71, 72, 307, 308, 340
Inventory government assets	142, 143
Kailua, Hawaii, seawall	316
Kailua Palace, duties re	89
Kalaupapa water system	308
Kapaau Public Library	71
Kapuaiwa Building	307
Koko Head-Waimanalo road	121
"Loan Fund Act of 1927".....	319-323
"Loan Fund Act of 1929".....	307, 308

	Page
PUBLIC WORKS, SUPERINTENDENT.	
National Guard Armory, Hilo.....	307
Normal School building	308
Territorial Highway Engineer.....	52
Territorial office buildings.....	307
Waiakea Airport, approach, etc.	130, 135, 136
Waimea embankment	87
Waiolama Swamp claims.....	236-237

Q

QUARANTINE, APPROPRIATIONS.

Persons	338, 339
Plants	335

R

REGISTRATION OF LAND.

See Land Court.

REGISTRATION OF CONVEYANCES.

Abstractors of title	159, 160
Judgment filing and index.....	22, 23
Plans on tracing cloth; size, scale.....	128

RELIGIOUS EDUCATION.

Public schools	140, 141
----------------------	----------

RIOT.

Penalty	3
---------------	---

ROAD LAW.

"Hit and run", penalty	4
Vehicle lights	147-149

S

SALES OF MOTOR VEHICLES.

Certificate of ownership to be endorsed.....	239
Incomplete without new certificates of ownership and registration	240

SALES, UNIFORM LAW OF.

Acceptance of goods.	
Action for damages not barred by.....	219
What constitutes	204, 205, 219

	Page
SALES, UNIFORM LAW OF.	
Actions.	
By buyer when seller converts or detains goods.....	225
For breach of contract, interest and special damages allowable	226, 227
For damages for non-acceptance of goods.....	224
For price of goods sold.....	223, 224
Specific performance	225
Warranty, breach of	225, 226
Act not retroactive	229
Auction.	
Right of seller to bid.....	211, 212
Withdrawal of bid	211, 212
Breach of condition, in contract of, option of adverse party	207
Breach of contract.	
Action for damage and for non-acceptance of goods....	224
Action for price	223, 224
Buyer's right to examine goods before acceptance.....	218
Capacity to buy and sell, how determined	204
Classification of agreements of sale of goods.....	204
Conditions and warranties	207, 208
Contracts for necessities, validity	204
Contracts to sell, definition	204
Conversion or detention of goods by seller after property	
passed to buyer, right of action.....	225
Creditors' rights against goods in seller's possession.....	213
Definition	
Express warranty	207
Of terms used in the Act.....	227-229
Delivery of subject matter.	
Buyer not bound to return goods wrongly delivered...	219
Buyer's liability for failure to accept.....	219
Delivery in installments	217-218
Delivery to carrier in behalf of buyer, provisions regu- lating	218
Effect of delivering wrong quantity.....	217
Failure to deliver, action for.....	225
Place, time and manner, provisions regulating.....	216, 217
Description, implied warranties	208
"Divisible contract to sell or sale," definition.....	227
Destruction of goods sold, option of purchaser.....	205, 206
Existing goods	205
Formalities of the contract.....	204, 205
Formation of the contract.....	204
Form of contract	204
Fungible goods, construction of contract.....	205

	Page
SALES, UNIFORM LAW OF.	
Future goods	205
Goods for which negotiable documents of title have been issued, attachment or levy upon.....	216
Goods in transit.	
Right of parties to contract as to.....	221, 222
Stoppage in transit	222
Goods, provisions governing sale of, in general.....	204-229
Implied obligations of the contract of variation form.....	227
Implied warranties.	
In sale by description.....	208
Of quality	208
Of title	207, 208
Intention of parties, rules for ascertaining.....	209-210
Interpretation	227, 229
Mortgages not affected by the Act.....	208, 227
Name of Act	229
Necessaries, what are	204
Negotiable documents of title.	
Definition	213
Indorser not guarantor	215
Negotiation by delivery	213
Negotiation by indorsement	213
When marked "non-negotiable"	213, 214
Remedy of creditor to reach.....	216
Rights of person to whom document negotiated.....	214
Rights of transferee	214, 215
Transfer without indorsement	215
Warranties on sale of.....	215
When negotiation not impaired by fraud, mistake or duress	215
Who may negotiate	214
Non-negotiable documents of title, transfer.....	214
Performance of the contract.....	216-219
Person not owner, title acquired by buyer.....	212
Possession of goods sold, reservation of rights when goods shipped	210, 211
Price of goods, definition and ascertainment.....	206
Primary duties to parties to contract.....	216
Remedies for breach of warranty by seller.....	225, 226
Resale by the seller.....	222
Rescission of contract by seller, when authorized....	223, 224, 225
Rights, declared under provisions governing action to en- force, authorized	227
Rights of unpaid seller against the goods.....	219-220

	Page
SALES, UNIFORM LAW OF.	
Risk of loss of subject matter of contract, when transferred to buyer	212
Sample, implied warranties	208, 209
Specific goods.	
Intention of parties to govern passage of property....	209
When property passes.....	209
Specific performance of contract.....	225
Statute of frauds	204, 205
Stoppage in transit	221, 222
Subject matter of contract.....	205, 206
Title acquired by buyer, sale by one having voidable title..	212
Sale by person not owner.....	212
Sale by seller in possession of goods previously sold..	212, 213
Transfer of property as between seller and buyer.....	209-212
Transfer of title	212-216
Unascertained goods.	
No property passes until goods are ascertained.....	209
When property right passes	209
Undivided share of goods, validity.....	205
Unpaid seller.	
Definition	219, 220
Effect of sale of goods subject to lien of, or to right to stoppage in transit	223
Insolvency of buyer as authorizing stopping of goods..	221
Lien after part delivery.....	220
Remedies of	220
Rescission of sale by.....	223
Right of lien, when exercised.....	220
Stoppage in transit, how exercised.....	220
Right of	221-222
When and how resale may be made by.....	222, 223
When lien of lost	220, 221
Valuation when price not fixed by referee.....	207
Warranties.	
Express definition	207
Implied	207, 208
Negotiable documents of title.....	215
SCHOOLS, PUBLIC.	
Books and fees, grades 1-9	124-125
Books may be rented	263
Budget 1930-1931.	
General fund	261-263
Special fund	259-261
Child under six, certificate of registration.....	166

	Page
SCHOOLS, PUBLIC.	
"Citizen labor" for teachers.....	112
Compulsory attendance, exceptions.....	234
Crippled children	162, 163
Janitors	245, 260
Minimum age of child	166
Over age pupils	234
Principal's authority to drop pupil.....	234
Probation in High Schools	234
Religious education	140, 141
Salary schedule	116, 117
Supervisors, twenty	116
SERVICE OF PROCESS.	
Honolulu Board of Water Supply.....	104
In equity proceedings	44
Law actions.	
By publication, when	42
Form of published notice	43
Personal service on non-resident.....	42
Substituted service in attachment.....	42, 43
SERVICE OF SUMMONS.	
Certification of copies of papers.....	9
SHERIFF.	
Automobile sales	240
Certain fees abolished	68
Passenger vehicle inspection.....	257, 258
Permits to purchase explosives.....	134
Weights and measures, duties.....	79-80
SHIM, RELIEF OF ALBERT.....	280
SPECIAL PROCEEDINGS.	
Appellate final jurisdiction, Supreme Court.....	259
First Circuit, lost, etc., Territorial bond interest coupon..	283
Original jurisdiction Circuit Courts.....	258, 259
SPECIFIC PERFORMANCE.	
Jurisdiction given by Uniform Sales Act.....	225
SQUID FISHING BY ALIENS.	
Prohibited with spear, arrow-gun and hook on spear.....	126
STATUTE OF FRAUDS.	
Agreements to devise	17
Sale of goods in value more than \$100.....	204

	Page
STATUTE OF LIMITATIONS.	
Bail and bond money unclaimed.....	143
Creditors' claims against deceased persons.....	24
Honolulu Water Supply Board, claims against.....	105
Liens of mechanics and materialmen after notice of completion, filed	253
Mechanics' and materialmen's liens.....	253
Notice to creditors of deceased persons.....	24
STREET RAILWAYS.	
Basis of valuation for taxation.....	318
SUNDAY LAW.	
No boxing contests	265
Poi, rice and flowers may be sold.....	95
SUPREME COURT.	
Special proceedings, appellate jurisdiction final.....	259
Tax appeals	290, 292, 295, 297, 298
SURVEYOR OF THE TERRITORY.	
Triangulation stations to be monumented.....	33
Wailuku-Kahului road survey directed.....	356

T

TAX APPEALS.

From Tax Assessor to Divisional Board.....	290, 291
From Tax Assessor to Territorial Board.....	290, 291
From Divisional Board to Territorial Board.....	290, 294, 295
From Divisional Board to Supreme Court.....	295
From Territorial Board to Supreme Court.....	290, 297, 298
Amount in dispute	292
Appeal solely upon points of law.....	295
Applications for	290, 291, 293
Assessor, duty to attend Board meetings.....	294
Duties re certificate on appeal.....	296
Corrects lists	297
May appeal	290, 298
Certificates of appeal	296, 298
Circuit Courts enforce Boards.....	294
Costs	290, 291, 297, 298
Divisional Board.....	290, 291, 292, 293, 294, 295, 296, 299
Evidence	294, 297, 298
Examination of person assessed	293
Exemptions, allowed or disallowed.....	293, 295, 298
Application for	293

	Page
TAX APPEALS.	
Informal proceedings	294, 296
Lessees	298, 299
Notice before raising assessments.....	293, 294
Persons under contractual relations.....	298, 299
Reporter	297
Returned property, appeals how made.....	291
Stay	294, 298
Supreme Court	290, 292, 295, 297, 298
Territorial Board of Equalization.....	290, 291, 292, 293, 294, 295, 296, 297, 298, 299
Unreturned property.	
Appeals, how made	290, 291
Penalty	290, 291
Review of assessment	290
Wrong Board appealed to.....	292
TAXATION.	
Appeals	290-299
Assessor, Third Division, duties.....	78, 138, 171
Basis of valuation; street railways.....	318
Boxing contests	267, 268, 271
"Enterprise for profit," unreturned property.....	289
Assessment of, unchanged	292
Equalization	292, 293, 295, 296
Exemption.	
Application for	293
Bagasse products	86
Coffee	136
Disallowance of	293, 295, 298
Hamakua Light and Power.....	62
Hanalei Light and Power.....	29
"Isenberg memorial lot".....	72
Lepers	37, 38
National Guard	49
Naval militia	49
Poll taxes used for general expenses.....	277
Inheritance tax, reciprocity	184, 185
Property omitted from returns.....	289-291
Tax rate.	
County employees' retirement funds.....	195
Hawaii 1929 adjustment	138
Hawaii Hospital funds.....	93
Highways, Federal aid.....	54, 55
Honolulu schools, 1929.....	119
Limits	111

	Page
TAXATION.	
Tax Board's expense	67
Tax list, when open to public	291
Publication of place	291
Unreturned property added to	294
Unreturned property, penalty	290, 291
Added to list	294
TAX BOARD (OF APPRAISAL).	
Appraisal basis	67
Appraisement to be made	65-67
Appropriation	67
Assessors to cooperate	66
Chairman	66
Cooperation with equalization boards	299
Costs to be kept	67
Employees	66
Equitable tax burden	65, 67
Membership	65
Offices	66
Records, available to	66
Delivered to Assessors	66
Open to public	66
Report to Legislature	65-67
Rules and regulations	66
Secretary	66
Tax rate	67
Advisory tax appraisal boards	66
TAX REFUNDS.	
Hawaii County	78, 137, 138, 171
Honolulu, City and County	37, 171, 278, 279
Kauai County	171
Liliuokalani Trust	145, 146
Maui County	171
Territorial, appropriation	273
See Appropriations for items.	
TAX SALES OF REAL PROPERTY.	
Lien enforced after three years	232
Mortgagee entitled to notice by registered mail	232
Registered mail notice to owners of other liens	232
TERRITORIAL BOND INTEREST COUPONS LOST OR	
STOLEN.	
Act retroactive	282
Adverse claimants	282, 283

TERRITORIAL BOND INTEREST COUPONS LOST OR STOLEN.

	Page
Application to Treasurer, and evidence.....	282
Bond by applicant	282
Payment method provided	282
Special proceedings, First Circuit Court.....	283
Treasurer of the Territory, authority to pay.....	282

TERRITORIAL HIGHWAY DEPARTMENT.

See Hawaii Federal Aid Highway Act.....	51-56
---	-------

TERRITORIAL HOSPITAL FOR INSANE, KANEOHE.

Appropriation for improvements, etc.....	71, 72, 307, 308, 340
Superintendent's duties re contributions.....	5

TERRITORIAL RETIREMENT SYSTEM.

Contribution to funds.....	195, 196
Employees entering before January 1, 1930.....	229, 230
Honolulu Board of Water Supply employees.....	104
Prior service certificates	229, 230
Reports to counties	196
Return of accumulated contributions.....	74
Special fund for each county.....	196
Tax rate estimate for counties.....	195

TOP MINNOWS.

Bait purposes	128
---------------------	-----

TRAIN WRECKING.

Penalty	34
---------------	----

TREASURER OF TERRITORY.

Banking Laws Commission	176
Capitol Building rehabilitation	77
Corporation par value share change.....	141
Corporation preferred stock issue certificate.....	140
Coupons, lost or stolen	282, 283
Federal Insurance Company's bonds.....	167, 168
Fees for certifying copies of documents.....	179
Hawaii County tax refunds.....	137, 138
Highway, Federal Aid, Act, duties.....	54-56
Marriage license application fees.....	113
Pensions, duties	84
Retirement of employees system, duties.....	195, 196

TREASURY OF TERRITORY.

Boxing Commission, special fund.....	271
Boxing contests' taxes	267, 271
"Capitol Building Rehabilitation Special Fund".....	77
Destruction ordered of paid warrants, bonds and coupons..	356, 357

	Page
TREASURY OF TERRITORY.	
Fair Commission special fund.....	231
Retirement of employees system funds.....	195, 196
Small estates' balances, lost to.....	49, 50
"Special land sales, Kauai"	50
"Territorial Hospital, Contributory Maintenance Fund," abolished	5
TROUT FISHING.	
Closed season	203
Day limit	203
Informers' fee	203
License necessary	203
Penalties	203
Tackle regulated	203
TRUST COMPANIES.	
Participation certificates	254
TRUSTEES.	
Filing accounts in small estates	181
TRUST ESTATES.	
Leases beyond trust term	94
Mortgages by trustees	94
Small estates, filing accounts	181
TUBERCULOSIS.	
Board of Health records disclosed, when.....	248
TUBERCULOUS ANIMALS.	
Indemnification	107

U

"UNIFORM FOREIGN EXECUTED WILLS ACT".....	178
"UNIFORM SALES ACT"	204-229
See Sales, uniform law of.	
UNIVERSITY OF HAWAII.	
Agricultural extension work.....	18, 19
Appropriations	308, 346, 347
Aquarium admission	75
Engineering plant	320
Entrance fees	249
Fees may be remitted	249
Grants from Congress, authority to receive.....	18, 19

	Page
UNIVERSITY OF HAWAII.	
Gymnasium and equipment	320
Kona Agricultural Experiment Station.....	170
Laboratory building	320
Lecture hall building appropriation.....	308
UNLAWFUL ASSEMBLY.	
Penalty	3

V

VACATIONS OF PUBLIC EMPLOYEES.....	96
VEHICLES.	
See Motor Vehicles.	
VEHICLES FOR HIRE.	
Inspection by Sheriff and certificate.....	257
License may be revoked or suspended by Sheriff.....	258
Treasurer to be notified by Sheriff.....	258
VEHICLE LIGHTS	147-149

VITAL STATISTICS.

Registration of	120
-----------------------	-----

W

WAHIKULI WATERWORKS	322
WAIAKEA AIRPORT.	
Appropriation for an approach.....	130
For prison labor	135, 136
WAILUA GOLF COURSE.....	50
WAIMANO HOME.	
Appropriations	343
Penalty for enticing, etc., patients.....	7
Release of inmates	257
WAIMEA EMBANKMENT	87
WAIOLAMA SWAMP CLAIMS.....	236
WAIPIO, HAWAII, SCHOOL LOT.....	246
WASHINGTON BIRTHDAY BICENTENNIAL.	
Commission	90

	Page
WEIGHTS AND MEASURES.	
Errors permissible	80-82
Fees	146
Incorrect weights and measures.....	79, 80
"Out of order" tag.....	79
Penalties	83
Removal of marks	83
Scales, automatic	82
Computing	82
Counter	81
Dial	82
Equal arm	80
Even balance	80
Method of testing	82, 83
Multiple lever	81
Platform	81
Spring	82
Unequal arm	81
Sheriff's duties	79, 80
Standards	79
Tests	79
Tolerance permissible	80-82
Unlawful changing	83
Unlawful use	83
WILLS.	
Agreement to provide by will.....	17
Foreign executed	178
Hearings of petitions, notice	40

LAWS, AMENDED, REPEALED

	Page
SESSION LAWS 1903.	
Act 42, Section 1, amended.....	274
SESSION LAWS 1911.	
Act 89, Section 1, amended.....	274
SESSION LAWS 1913.	
Act 134, Section 1	274
Act 138, amended	98
Act 138, Section 5, amended.....	277, 278
SESSION LAWS 1915	
Act 182, amended	98
SESSION LAWS 1917.	
Act 179, repealed	36
Act 228, Section 1, amended.....	274
SESSION LAWS 1919.	
Act 207, Section 1, amended	274
SESSION LAWS 1921.	
Act 12, Section 1, amended.....	274
Act 20, repealed.....	275
Act 105, Section 14, amended.....	92
Act 186, Section 12, repealed.....	318
Act 242, repealed	69
SESSION LAWS 1923.	
Act 69, amended	98
Act 80, Section 1, amended.....	274
Act 231, amended.....	98
SESSION LAWS 1925.	
Act 16, amended	281
Act 42, Section 2, amended.....	181
Act 55, extended	104
Act 55, Section 6, Subsection 10, added to.....	74
Act 78, amended	51-56
Act 94, Section 1, amended.....	124, 125
Act 101, amended	111
Act 112, amended	188, 286
Act 114, Section 29A, amended.....	5
Act 137, amended	301-303
Act 150, amended	98, 177
Act 150, Section 2, amended.....	192

	Page
SESSION LAWS 1925.	
Act 151, Section 1, amended	274
Act 165, amended	91
Act 167, amended	133
Act 180, Section 2, amended	235, 236
Act 182, items 43 and 47, amended	11
Act 191, Section 2, amended	122, 123
Act 192, amended	277
Act 192, Section 15, amended	232, 233
Act 201, repealed	202
Act 202, Section 1, amended	126
Act 202, Section 2, amended	127
Act 227, repealed	318
Act 232, amended	116, 117
Act 233, amended	230
Act 266, item 17, amended	121
Act 266, items 43-45, amended	11
Act 267, extended	119
Act 272, amended	301-303
Act 273, amended	190, 191
SESSION LAWS 1927.	
Act 21, item 10, amended	109
Act 22, added to	235
Act 33, added to	235, 236
Act 34, amended	90
Act 40, amended	98
Act 40, Section 1, amended	192
Act 49, amended	187, 188
Act 97, Section 1, amended	126
Act 98, Section 3, added to	251
Act 99, Section 29A, amended	5
Act 110, amended	46
Act 126, amended	16
Act 139, amended	233-234
Act 146, item 17, amended	121
Act 171, repealed	22
Act 189, amended	262
Act 196, repealed	202
Act 200, amended	301-303
Act 203, amended	232, 233
Act 204, amended	70
Act 215, Section 2, amended	107
Act 222, amended	98
Act 222, Section 2, amended	246, 247
Act 222, Section 5, amended	247

	Page
SESSION LAWS 1927.	
Act 222, Section 8, amended.....	247, 248
Act 230, amended.....	162, 163
Act 248, amended.....	116, 117
Act 250, Sections 2A, 2B added.....	316
Act 251, extended.....	104
Act 251, Section 2, amended.....	229, 230
Act 251, Section 4, amended.....	195, 196
Act 258, amended.....	197
Act 263, amended.....	57, 142, 196
Act 267, extended.....	84
Act 271, amended.....	112
Act 271, Sections 1, 2, 3 and 4, amended.....	319-323
Act 271, item 51, amended.....	11
Act 277, extended.....	135, 136

REVISED LAWS 1925, VOL. I, SECTIONS ADDED.

Section 189A, added.....	142, 143
Section 356A, added.....	198
Section 529A, added.....	174, 175
Section 824A, added.....	285
Section 1180A, added.....	257
Section 1182A, added.....	7
Section 1184A, added.....	161, 162
Sections 1350A-1350P, added.....	292-297
Section 1400A, added.....	184, 185
Section 1689A, added.....	38
Section 1851B, added.....	93, 94
Sections 2016A-2016D, added.....	284
Section 2154A, added.....	82, 83
Section 2469A, added.....	197, 198
Section 2482A, added.....	40
Section 2496A, added.....	39
Section 2946A, added.....	113, 114
Section 3368A, added.....	141
Section 3484A, added.....	254

REVISED LAWS 1925, VOL. I, SECTIONS AMENDED.

Section 35, paragraph 2, amended.....	187
Section 43, amended.....	187
Section 44, paragraph 1, amended.....	187
Section 76, amended.....	187, 188
Section 77, amended.....	188
Section 80, amended.....	188
Section 86, amended.....	188
Section 88, amended.....	188

	Page
REVISED LAWS 1925, VOL. I, SECTIONS AMENDED.	
Section 88, paragraph 1, amended.....	286
Section 95, paragraph 1, amended.....	189
Section 98, amended	189
Section 99, amended	189
Section 102, amended	189
Section 106, amended	189, 190
Section 117, amended	190
Section 119, amended	190, 191
Section 122, added to	191
Section 166, amended	179
Section 171, amended	112
Section 173, amended	112, 113
Section 178, amended	91
Section 184, amended	96
Section 199, amended	73
Section 324, amended	233, 234
Section 325, amended	166
Section 333, amended	124, 125
Section 336, amended	116, 117
Section 338, amended	157
Section 342, second sentence, amended	245
Section 402, added to	249
Section 433, amended	230
Section 434, amended	231
Section 435, amended	231
Section 629, amended	107
Section 652, amended	76, 77
Section 653, amended	76, 77
Section 745, amended	316, 317
Section 766, first paragraph, amended.....	69
Section 772, amended	128
Section 777, amended	127
Section 841, amended	176
Section 946, amended	248
Section 989, amended	236, 237
Section 1028, amended	121, 122
Section 1081, amended	174
Section 1184, amended	161
Section 1186, amended	163, 164
Section 1192, amended	164
Section 1198, amended	164
Section 1202, amended	285
Section 1204, amended	164, 165
Section 1207, amended	165

REVISED LAWS 1925, VOL. I, SECTIONS AMENDED.

Section 1208, amended	165
Section 1222, amended	120
Section 1225, amended	120
Section 1230, amended	120
Section 1232, amended	90
Section 1285, amended	289
Section 1309, added to	235, 236
Section 1315, amended	55, 67, 111, 195
Section 1320, amended	318
Section 1322, amended	49
Section 1324, amended	37, 38
Section 1325, amended	72
Section 1334, added to	289
Section 1340, amended	290
Section 1349, amended	291
Section 1350, amended	291
Section 1351, amended	297
Section 1360, amended	297, 298
Section 1361, amended	298
Section 1362, amended	298
Section 1364, amended	298, 299
Section 1373, amended	232, 233
Section 1380, amended	196, 277
Section 1477, excepted	66, 89
Section 1478, excepted	66, 89
Sections 1477-1485, excepted	76
Section 1479, amended (by implication)	53
Section 1586, amended	108
Section 1587, amended	106
Section 1598, amended (by implication)	180
Section 1608, amended	64, 65
Section 1609, amended	65
Section 1618, amended	287
Section 1626, amended	85
Section 1641, amended (by implication)	35
Section 1738, (by implication)	35, 288
Section 1752, amended	105
Section 1762, amended	150
Section 1769, amended	86
Section 1831, added to	235
Section 1852, amended	122, 123
Section 1856A, added to	251
Section 1861, amended	251
Section 1864, amended	251

	Page
REVISED LAWS 1925, VOL. I, SECTIONS AMENDED.	
Section 1865, amended	131, 132
Section 1870, amended	144, 145
Section 1958, amended	281
Section 2016, amended	283, 284
Section 2106, amended	257, 258
Section 2126, amended	129
Section 2132, amended	301-303
Section 2133, amended.....	109, 110, 311, 315, 352
Section 2133, items 28-32, amended.....	8
Section 2134, amended	352, 353
Section 2150, amended	79
Section 2152, amended	79, 80
Section 2154, amended	80-82
Section 2158, amended	146
Section 2159, amended	83
Section 2160, amended	83
Section 2163, Subdivisions 3 and 4, amended.....	6
Section 2248, amended	14
Section 2292, amended	10
Section 2294, amended	183
Section 2298, amended	110
Section 2341, amended	9
Section 2343, amended	42
Section 2344, amended	42
Section 2345, amended	42, 43
Section 2347, amended	43
Section 2366, amended	19, 20
Section 2434, amended	22, 23
Section 2435, amended	23
Section 2436, amended	88
Section 2464, amended	94
Section 2472, amended	44
Section 2475, amended	181
Section 2489, amended	24
Section 2493, amended	45
Section 2506, amended	49, 50
Section 2542, amended	68
Section 2630, amended	70
Section 2665, amended	17
Section 2669, amended	258, 259
Section 2670, amended	259
Section 2677, amended	259
Section 2761, amended	182
Section 2762, amended	89
Section 2772, amended	89

	Page
REVISED LAWS 1925, VOL. I, SECTIONS AMENDED.	
Section 2777, amended	193
Section 2891, amended	253
Section 2892, amended	253
Section 2944, amended	113
Section 2946, amended	113
Section 2948, amended	114
Section 2949, amended	114
Section 2950, amended	114, 115
Section 2953, amended	115
Section 2966, amended	16
Section 3045C, added to	133
Section 3067, Paragraph 3, amended	181
Section 3073, amended	41
Section 3094, amended	129
Section 3136, amended	128
Section 3174, amended	2
Section 3183, Paragraph 8 added	185
Section 3195, amended	12
Section 3213, amended	197
Section 3300, amended	84, 85
Sections 3319-3322, amended	178
Section 3340, amended	46
Section 3343, added to	130
Section 3349, added to	140
Section 3366, amended	75
Section 3390, amended	73, 74
Section 3398, amended	70
Section 3406, added to	250
Section 3463, Subparagraph (e), Paragraph 12, amended ..	20
Section 3497, amended	48
Section 3559, amended	47
Section 3677, amended	173
Section 3890, added to	132
Section 3941, Paragraph 3, amended	13
Section 4112, amended	8, 9
Section 4141, amended	124
Section 4351, amended	3
Section 4374, amended	21
Section 4392, amended	4
Section 4399, amended	147, 148
Section 4400, amended	149
Section 4420, amended	275, 276
Section 4421, amended	276
Section 4484, amended	95, 96

	Page
REVISED LAWS 1925, VOLUME I, SECTIONS REPEALED.	
Section 100, repealed	191
Section 105, repealed	191
Section 457, repealed	275
Section 1341, repealed	299
Section 1347, repealed	299
Sections 1352-1357, repealed	299
Section 1363, repealed	299
Section 2051, repealed	3
Section 2954, repealed	115
REVISED LAWS 1925, VOLUME II, PAGES AMENDED OR REPEALED.	
Pages 1853, 1854, Bond Act 1903, amended.....	274
Pages 1856-1860, Bond Act 1903, amended.....	274
Pages 1945-1947, Honolulu Water and Sewer Works, amended	98, 277, 278
Page 2091, Section 12, Honolulu Rapid Transit, repealed...	318

ACTS OF CONGRESS

	Page
ACTS OF CONGRESS, ASSENTED OR REFERRED TO.	
Act of July 2, 1862	18
Act of May 8, 1914	18, 19
Act of May 25, 1926	355
Act of May 16, 1928	18, 19
Act of May 22, 1928	18, 19
38 Stat. 251, Chapter 6.....	250
44 Stats. at Large, Chapter 380, Section 4.....	355
Federal Highway Act	51
Federal Reserve Act	250
National Prohibition Act	129
Smith-Lever Act	348
U. S. Code Annotated, Title 23, Section 1.....	51